

LBPD Municipal Code



- Title 8 - Health and Safety
- Title 9 - Public Peace, Morals and Welfare
- Title 10 - Vehicles and Traffic
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- Title 16 - Public Facilities and Historical Landmarks

Codified through Ordinance No. ORD-14-0020, enacted
November 18, 2014.

CHAPTER 8.04 - HEALTH DEPARTMENT SERVICES

8.04.010 - X-rays.

The Health Department is empowered to furnish free of charge, minifilm X-rays for the benefit of persons who are residents of the City and who are applicants for licenses from the State Department of Social Services authorizing such person to maintain or conduct an institution, boarding home, day nursery or other place for the reception or care of children under sixteen (16) years of age, or to engage in the business of receiving or caring for such children, or of receiving or caring for such child in the absence of its parents. The Health Department may also furnish such films for nonresidents of the City upon payment of a fee as determined by the City Council by resolution.

(ORD-10-0014, § 12, 2010; Prior code § 5160)

CHAPTER 8.08 - COMMUNICABLE DISEASES

8.08.010 - Pneumonia or influenza—Quarantine.

Whenever a person affected with pneumonia of a communicable, contagious or infectious nature or with influenza is reported to the Health Department, and upon making investigation the Health Department is satisfied that the report is correct, or that the condition of such person is strongly suggestive of communicable, contagious or infectious pneumonia or influenza, the Health Department shall establish a quarantine of the premises where the disease exists by affixing a placard, consisting of a white card with the name of the disease printed thereon in blue letters not less than two and one-half inches (2½") in height, in a conspicuous place at the principal place of entrance of the premises, or at the principal place of entrance to the room, suite, apartment or flat where the premises is a hotel, apartment, lodging house, or rooming house, and the placard shall remain so affixed for five (5) days after all symptoms of the disease have disappeared and the premises have been thoroughly disinfected, or longer, at the discretion of the Health Department.

(Prior code § 5120)

8.08.020 - Pneumonia or influenza—Entering or leaving premises.

No person shall leave or enter any premises or remove any article from any premises so quarantined without permission in writing from the Health Department.

(Prior code § 5120.3)

8.08.030 - Pneumonia or influenza—Report.

Every physician, nurse, clergyman, attendant, parent or guardian of any person ill with communicable, contagious or infectious pneumonia or influenza shall immediately report the name, age and address of such ill person to the Health Department, and every owner, proprietor or manager of an apartment house, hotel, flat building or lodging house shall immediately report to the Health Department the name, age and address of every person ill of communicable, contagious or infectious pneumonia or influenza, in such apartment house, hotel, flat building or lodging house.

(Prior code § 5120.4)

8.08.040 - Report of illness.

It shall be the duty of every physician, householder, or other person in the City to report to the Health Officer immediately in writing every person in the City who is or whom they may have reason to believe is sick from cholera, smallpox, diphtheria, scarlet fever or any other contagious or infectious disease.

(Prior code § 5120.5)

8.08.050 - Quarantine—Required.

It shall be the duty of the Health Officer, as soon as any case of any person suffering from cholera, smallpox, diphtheria, yellow fever or scarlet fever or other dangerous or infectious disease is brought to his knowledge to immediately cause the house or building in which the person is located to be placarded in a conspicuous place, with a placard setting forth the fact of the existence of such disease, and the

placard shall not be removed, nor shall any person unauthorized by the Health Officer be permitted to enter or leave such dwelling or building until the Health Officer is satisfied that all danger from contagion is past and has removed the quarantine and placard.

(Prior code § 5120.6)

8.08.060 - Disinfecting premises.

Any person, householder or hotel keeper having a person suffering from any contagious or infectious disease in any house, dwelling or premises owned, conducted or controlled by him shall renovate, clean, purify and disinfect the same to any extent and in such manner as the Health Department may direct for the purpose of preventing further infection.

(Prior code § 5120.7)

8.08.070 - Precautions against spread of disease.

All persons attending or coming in contact with a case of infectious or contagious disease shall take such precautions against the spread of such disease and carry out such sanitary regulations as the Health Department may direct.

(Prior code § 5120.8)

8.08.080 - Removal from premises.

No person suffering from any infectious or contagious disease shall be removed from or leave the place where he first became sick without a permit from the Health Officer. The Health Officer may cause to be removed from such houses as cannot be satisfactorily quarantined, to a hospital or other place provided by the City for quarantine, any person affected with smallpox, yellow fever, typhus fever, glanders, leprosy, Asiatic cholera or other infectious or contagious diseases.

(Prior code § 5120.9)

8.08.090 - Notice to school.

It is the duty of the Health Officer to notify the superintendent of schools of the name and location of any person who is pupil at a public school, or the principal, teacher or other person in charge of any private school if a pupil at any such private school, when such person is suffering from any contagious disease.

(Prior code § 5120.10)

8.08.100 - Exclusion of exposed person from school.

It shall be the duty of every superintendent, principal or teacher, of any public or private school in the City to exclude from school any person suffering from any infectious or contagious disease, and any person who may belong or reside with a family or in the same house in which a person is affected with any infectious or contagious disease, until a permit is obtained from a registered physician stating that such person has permission to attend school.

(Prior code § 5120.11)

8.08.110 - Preventive measures authorized.

The Health Department may take such measures as it may from time to time deem necessary to prevent the spread of contagious disease.

(Prior code § 5120.12)

8.08.120 - Quarantine—Regulations.

It is the duty of the Health Department to make any and all regulations for the proper management and control of persons and places under quarantine in the City, and is the duty of the Health Officer to enforce the same.

(Prior code § 5120.14)

8.08.130 - Bringing diseased person into City.

That it is unlawful for any person to bring into the City any person afflicted with Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, membranous croup, leprosy, anthrax or glanders affecting human beings.

(Prior code § 5120.15)

8.08.140 - Water vessel rat shields.

No owner, agent, master or other officer in charge of any vessel, steamboat or other watercraft, except vessels, steamboats or other watercraft engaged in domestic commerce, shall cause or permit the vessel, steamboat or other watercraft to lie alongside any wharf or dock in the City unless each chain, hawser, rope or line of any kind extending from any vessel, steamboat or other watercraft is equipped with and has properly and securely attached thereto, in good working order, a rat shield or guard of such design and in such manner as shall be approved by the City Health Officer.

(Prior code § 5120.16)

8.08.150 - Preventing Health Officer admittance prohibited.

No person in charge of any building, premises, or part thereof shall refuse admission thereto to any inspector or other representative of the Health Department between the hours of nine o'clock (9:00 a.m.) in the morning and five o'clock (5:00 p.m.) in the afternoon of any business day when such inspector or other representative has announced his intention of entering such building, premises, or part thereof, for the purpose of inspecting it and ascertaining whether there exists therein or thereon any violation of the provisions of this Chapter; nor shall any person deny such access to such inspectors or representatives at any reasonable hour for purposes of quarantine.

(Prior code § 5120.17)

8.08.160 - Rat control—Required.

All food products or other products or goods liable to attract or to become infested with rats, whether such products or goods are kept for sale or any other purpose, shall be so protected as to prevent rats from gaining access thereto or coming in contact therewith. All buildings and basement walls thereof within which such products are stored or kept shall be constructed or repaired in such a manner as to prevent rats from being harbored thereunder or within the walls thereof.

(Prior code § 5120.18)

8.08.170 - Rat control—Docks and wharves.

All public and private docks and wharves shall be so protected as to prevent rats from gaining entrance to such docks or wharves, at either high or low tide, from vessels anchored or moored alongside of such docks or wharves, or from other sources, and all food products stored in docks or wharves shall

be so kept and stored as to prevent rats from gaining access thereto or coming in contact therewith. All docks and wharves shall be subjected to a continuous rat eradication and control program. The Health Officer shall establish methods and scope of trapping and control.

(Prior code § 5120.19)

8.08.180 - Rat control—Slaughterhouses.

All slaughterhouses of every kind and nature shall be so protected as to prevent rats from gaining access to the building or buildings thereof, and all holes and openings in the building or basement walls shall be thoroughly stopped with cement or other material approved by the Health Officer, and all food products stored in slaughterhouses shall be so kept as to prevent rats from coming in contact therewith.

(Prior code § 5120.20)

8.08.190 - Rat control—Buildings and premises.

All buildings, places and premises whatsoever in the City shall at once be placed and shall continuously be kept by the owner or the occupant thereof in a clean and sanitary condition and free from rats.

(Prior code § 5120.21)

8.08.192 - Rat control—Demolition of buildings.

Before the City issues a building demolition permit, the owner shall present to the Building Official written certification from the Health Officer that the building is free from rat or vermin infestation.

(Ord. C-6121 § 1, 1984)

8.08.200 - Rat control—Accumulation of refuse.

No rubbish, waste or manure shall be placed, left, dumped or permitted to accumulate or remain in any building, place or premises in the City so that the same shall or may afford food or a harboring or breeding place for rats.

(Prior code § 5120.22)

8.08.210 - Refuse container cleaning.

The owner of any container provided for the storage or reception of refuse or garbage shall keep such container in a clean condition and in good repair to prevent fly breeding, odors, or other nuisance.

(Ord. C-5320 § 19, 1977: prior code § 5120.23)

8.08.220 - Offensive accumulation prohibited.

No person shall permit any dead animal, manure, garbage, refuse, trash, decaying or offensive material to remain on any premises owned, controlled, or occupied by such person, or to deposit any such material upon any vacant lot or public street or place. Salvageable material shall be maintained or stored in a manner to prevent the possibility of a rodent harborage or breeding site for other insects. No person having control of, owning or occupying a premises shall permit any wastewater or other liquid to drain upon, drain from, or pool upon any such premises. Any yard, stable, or other enclosure where any animals, birds or fowl are kept shall be maintained in such a manner as to prevent a rodent or insect harborage or create an unhealthy or offensive condition.

(Ord. C-5320 § 20, 1977: prior code § 5120.24)

8.08.230 - Lodging place sanitation.

Every lodging, tenement or apartment house, and also any yard, court, passage, or alley connected with or belonging to such house, must be kept clean and free from any accumulation of dirt, filth, garbage or other offensive material.

(Ord. C-5320 § 21, 1977: prior code § 5120.25)

8.08.240 - Drains to be kept clear.

Every person conducting or managing any lodging, tenement or apartment house must take adequate precautions to prevent any improper substances entering any water closet, sink, hopper or drain, and must remove such improper substances when placed in a water closet, sink, hopper or drain.

(Ord. C-5320 § 22, 1977: prior code § 5120.26)

8.08.250 - Depositing garbage in sewer prohibited.

No person shall deposit swill, garbage, bottles, ashes, cans, coal, or other such improper substances in water closets, sinks, drains or hoppers connected to a sewer, except when such facility is equipped with a garbage disposal unit.

(Ord. C-5320 § 23, 1977: prior code § 5120.27)

CHAPTER 8.12 - DRUGS

FOOTNOTE(S):

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State Law reference— Provisions on the regulation of drugs, Health and S. C. § 11000 et seq.

8.12.010 - Registration of health care specialists.

No physician, surgeon, osteopath, midwife, professional nurse, dentist or any other person employing any method of healing the sick shall practice or carry on his profession, business or employment in the City until he has first registered as such with the Health Officer in a register kept by the Health Officer in his office for that purpose. No physician, surgeon, osteopath, or dentist shall be permitted to register unless he has first obtained a license from one (1) of the respective State Boards of Examiners.

(Prior code § 5130)

8.12.020 - Registration of drug peddlers.

No person shall peddle or dispense any medicine or drugs within the City until such person has first registered with the Health Officer, in a register kept by the Secretary in his office for that purpose, the name of the person wishing to peddle or dispense such medicines or drugs together with the names of the various medicines or drugs which they wish to peddle or dispense. If the Health Officer is satisfied that the peddling or dispensing of such medicines and drugs by such person does not conflict with any State laws or ordinances of the City, he may issue a permit to peddle and dispense the medicines and drugs named in the permit upon the payment of a fee as determined by the City Council by resolution. Nothing in this Chapter, however, shall apply to licensed pharmacists or travelling salesmen dealing directly with physicians or pharmacists.

(ORD-10-0014, § 13, 2010; Prior code § 5130.1)

8.12.030 - Prescriptions required for certain drugs.

No person shall barter, sell, dispense, or give away any veronal, veronal-sodium, barbital, barbital sodium, brominyl and barbital, luminal or luminal-sodium, except under the prescription of a physician duly licensed to practice as such under and in accordance with the State laws, such prescription to be filled only once on the date of issuance thereof. Every such prescription shall be issued, signed, and dated by a duly licensed physician and shall have endorsed upon it by such physician the name and address of the person for whose use the prescription is made and the statement that in his opinion the drug so prescribed is required by the person as a medicine. No other form of prescription shall be deemed to be within the intent of this Section. All such prescriptions shall be kept on file for at least one (1) year and open at all times to the inspection of duly authorized officers of the City while the pharmacy is open for business.

(Prior code § 5130.2)

CHAPTER 8.16 - FOOD SALE REGULATIONS

8.16.010 - Unsanitary wrapping—Use prohibited.

No dealer shall use or furnish any unsanitary wrapping in the sale, dispensing, giving away, or delivery of any food.

(Prior code § 5520)

8.16.020 - Unsanitary wrapping—Keeping on-premises prohibited.

No dealer shall keep on his premises any unsanitary wrapping for use in the sale, dispensing, giving away, or delivery of any food.

(Prior code § 5520.1)

8.16.030 - Unsanitary wrapping—Exception.

The provisions of Sections 8.16.010 and 8.16.020 shall not apply where the purchaser furnishes the wrapping, other than newspaper, for use in wrapping his own purchase.

(Prior code § 5520.2)

8.16.040 - Fruit and vegetables—Sale of unwholesome product prohibited.

No person shall sell, offer for sale or have in his possession with intent to sell any fruit or vegetables infected with scale or other insects, or which has been frozen or affected by frost, wholly decomposed or partially decomposed so as to be unwholesome or unfit for food, or affected in any manner so as to be unwholesome or unfit for food.

(Prior code § 5530)

8.16.050 - Fruit and vegetables—Covering required.

- A. All fruits and vegetables exposed for sale, except the following: Irish spuds, sweet spuds, dry onion, beets, parsnips, carrots, garlic, peppers, cucumbers, eggplant, brussels sprouts, green lima beans, string beans, green peas, oyster plant, squash, pumpkin, watermelons, cantaloupes, casaba, bananas, oranges, tangerines, lemons, grapefruit, apples and pineapples, shall at all times be kept covered with gauze, screen wire, mosquito netting, or electric fan or fans to which ribbons of sufficient length are attached so as to protect the same from dirt, dust, flies and other insects; provided, however, that the provisions of this Section shall not apply to the handling of fruit or vegetables in the delivery thereof by wholesale dealers and produce men to the retailer when such fruit or vegetable is enclosed in sanitary boxes or cases, covered with canvas or burlap.
- B. All dried, candied or cured fruit shall at all times be kept in a glass case or under glass so as to protect the same from dust, dirt, flies and other insects.

(Prior code § 5530.1)

8.16.060 - Fruit and vegetables—Inspection authorized.

All places where fruits or vegetables are kept or offered for sale shall be subject at all times to inspection by the Health Officer or other officers appointed for that purpose, and such officers are authorized to enter and inspect all such places.

(Prior code § 5530.2)

8.16.070 - Fruit and vegetables—Packing or unpacking spoiled products.

No person, whether as principal, agent, servant, employee, or otherwise, shall pack, unpack, crate or uncrate any fresh fruits or vegetables, or keep or store any fresh fruits or vegetables, that have become spoiled or decayed, except within a building or structure so constructed, arranged, and used as to confine all noises and odors within the same.

(Prior code § 5530.3)

8.16.080 - Open air markets prohibited.

No person shall operate, conduct or maintain any grocery market unless located in a building having walls on all four (4) sides.

(Prior code § 5560)

CHAPTER 8.20 - BAKERIES

8.20.010 - Bakery defined.

A "bakery" means any room or place where bread, crackers, cakes, pies, breadstuffs, of any kind or any product of flour or meal are baked or cooked or mixed or prepared for baking or cooking or for sale for food; provided, however, that the term "bakery" shall not be deemed to include restaurants, hotels, cafes, boarding houses or other public eating places.

(Prior code § 5540)

8.20.020 - Elevation restricted.

No person shall establish any bakery in any room or place, the floor of which is more than four feet (4') below the level of the adjacent street, walk or ground, provided this Section shall not apply to any clean, well-drained and sanitary room used exclusively for storage of flour, meal or other articles necessary in the preparation, baking or cooking of bread, crackers or cake, pies, breadstuffs of any kind, or any other products of flour or meal.

(Prior code § 5540.1)

8.20.030 - Drainage and plumbing.

Every building or room used for a bakery shall be well-drained and all plumbing shall conform to the ordinances regulating plumbing, and all rules and regulations that may be adopted by the Health Department. No water closet, urinal, earthen closet or privy shall be within or communicated with any room where bread or other breadstuffs or products of meal or flour are cooked, baked or mixed or prepared for cooking or baking.

(Prior code § 5540.2)

8.20.040 - Construction standards.

Every building or room used for a bakery shall be of good workmanship; the floors, walls and ceiling shall be clean and dry and so constructed as to exclude rats, mice, insects and all other vermin. Ample toilet facilities shall be provided in all bakeries, separate and apart from any utensils used in the preparation of bakery products, so as to enable employees therein or thereof to keep their persons clean.

(Prior code § 5540.3)

8.20.050 - Floors and ceilings.

The floors in all bakeries must be smooth and have an impregnable surface and be constructed of wood, cement or tile laid in cement. The rooms shall be not less than eight feet (8') in height; all ceilings and sidewalls shall be tight and well constructed and whitewashed or painted at intervals not longer than twelve (12) months and oftener, if for sanitary reasons the Health Department deems it necessary.

(Prior code § 5540.4)

8.20.060 - Furnishings and utensils.

All furnishings, utensils, and receptacles used in or about the preparation of bakery products shall be kept clean.

(Prior code § 5540.5)

8.20.070 - Dressing rooms.

Dressing rooms for employees or other persons shall be separated from the bakery or storage rooms of a bakery by walls or other substantial partitions at least six feet (6') in height.

(Prior code § 5540.6)

8.20.080 - Storage of ingredients and products.

All raw materials capable of being used in the preparation of bakery products and all bakery products shall be thoroughly enclosed, covered or protected from dust and dirt at all times while said bakery is being swept, dusted, or cleaned.

(Prior code § 5540.7)

8.20.090 - Employee clothing.

Every person employed in any bakery shall, while engaged in or about such work, wear shoes or slippers and an external suit of coarse linen or other washable material, and such slippers, shoes and garments shall at all times be kept clean and in a sanitary condition.

(Prior code § 5540.8)

8.20.100 - Use as dwelling prohibited.

No person shall use for the purpose of a dwelling or sleep in any bakery or storage room or any room having a door opening or leading into any such bakery or store room connected or used in connection with or belonging to any bakery.

(Prior code § 5540.9)

8.20.110 - Dressing or clothes storage prohibited.

No person shall dress or undress or leave or store any clothing in any bakery or store room connected therewith.

(Prior code § 5540.10)

8.20.120 - Tobacco use prohibited.

No person shall smoke or chew tobacco or use the same in any form or manner in any bakery or store room connected therewith.

(Prior code § 5540.11)

8.20.130 - Communicable disease prohibited.

No person affected with pulmonary tuberculosis, venereal disease or other communicable disease shall work or be employed in any bakery, and no person shall employ any such person to work or be employed in any bakery.

(Prior code § 5540.12)

8.20.140 - Animals and fowl prohibited.

No person shall keep any animal or fowl in any bakery or store room connected therewith, and no person shall conduct any bakery in any building where any animal or fowl is kept.

(Prior code § 5540.13)

8.20.150 - Wrapping or covering products required.

No person shall receive for sale, sell, offer for sale or keep for sale, any bread without having each loaf of such bread entirely covered with oiled, grease-proof parchment or paraffin paper, or carry, transport or convey any bread or bakery products upon or along any street, alley, thoroughfare or open space unless the same is thoroughly enclosed or covered and protected from dust, dirt, flies or other insects, or deliver or leave any bread or bakery products on any porch, step, open or exposed place unless such article so delivered or left is thoroughly enclosed, covered and protected; provided, however, that the provisions of this Section shall not prohibit the display of bread under a showcase or in a window properly protected from flies, where the same is manufactured and sold on the same premises.

(Prior code § 5540.14)

8.20.160 - Sealed storage of fruit, vegetables and syrups.

No person shall keep any fruit, vegetable or syrup in any tin vessel in any bakery or store room connected therewith, unless such vessel is so sealed or fastened as to prevent the air from entering same.

(Prior code § 5540.15)

8.20.170 - Interference with inspector prohibited.

No person shall refuse to permit or allow the Health Officer or any authorized inspector to enter or inspect or examine any portion of any bakery or other place where bakery products are cooked, kept, sold, or offered for sale. No person shall interfere with or hinder in any manner the Health Officer in the inspection or the examination of such bakery or other place where bakery products are kept, sold, offered for sale or prepared for transportation; or in the inspection or examination of any wagon or other conveyance or receptacle used for the cartage, transportation or conveyance of any bakery products in, upon, or along any street, alley, thoroughfare, or open space, or any private driveway or other private property.

(Prior code § 5540.16)

CHAPTER 8.24 - FISH CANNERIES

8.24.010 - Zoning restriction.

No person shall clean or dress fish for commercial purposes except within a zone authorizing such use.

(Prior code § 5550.12)

8.24.020 - Permit—Required.

No person shall conduct or operate any fish cannery within the City without first applying for and receiving a fish cannery permit from the Health Officer.

(Prior code § 5550.14)

8.24.030 - Permit—Application.

Every applicant for a fish cannery permit shall file with the Health Officer a written application therefor. The application shall state the name and address of the applicant and, if the applicant is not a permanent resident of the City, the name and address of the agent of the applicant residing in the City and having the management of the cannery. The application shall also contain a description of the property, by street and number, where it is proposed to conduct or operate, or cause to be conducted or operated, the fish cannery, and if the location thereof has no street number, then the description as will enable the same to be easily found.

(Prior code § 5550.15)

8.24.040 - Permit—Issuance—Suspension.

If, after investigating and considering such application, it appears to the Health Officer that the statements made therein are true, that the existing sanitary conditions in such place comply with the provisions of the laws and ordinances in force at the time of the application, and conform to the rules and regulations of the Health Department regulating the sanitary conditions of such places, the Health Officer shall grant the permit applied for; provided, however, that the permit shall be granted only upon the express condition that it shall be subject to suspension, for a period not exceeding ninety (90) days, by the Health Officer in his discretion and upon proof to his satisfaction of the violation by the holder of the fish cannery permit, his employee, servant, agent or any person acting with his consent or under his control, of any provision of any law of the State, or of any ordinance of the City or of any rule of the Health Department regulating fish canneries; and provided further, that no fish cannery permit shall be suspended without a hearing before the Health Officer in the matter of the suspension permit, and notice of the hearing shall be given, in writing, and served upon the holder of the fish cannery permit, his manager or agent, at least five (5) days prior to the date of the hearing, and the notice shall state the ground of complaint against the holder of the fish cannery permit, and shall state the time and place when and where the hearing will be had. The notice shall be served by delivering a copy thereof to the holder of the fish cannery permit or to his manager or agent, or to any person in charge of or employed at his fish cannery, or by leaving the notice at the place of business or place of residence of any such persons with some person over the age of eighteen (18) years; or if the holder of the permit cannot be found and personal service of the notice cannot be made upon him, or upon his manager, agent or person in charge

of or employed in the fish cannery, or with some person over eighteen (18) years of age at his place of business or place of residence, then a copy of the notice shall be posted upon the cannery and a copy mailed, postage fully prepaid, addressed to the holder of the fish cannery permit at his last place of business, at least five (5) days prior to the date of the hearing.

(Prior code § 5550.16)

8.24.050 - Unwholesome fish prohibited.

No person conducting or carrying on any fish cannery in the City shall receive in such fish cannery, or upon the premises surrounding the same, any decomposed, tainted, corrupted, diseased or unwholesome fish, or any fish from which the head has been removed, or any fish from which all viscera, that is, all of the contents of the abdominal cavity, have not been previously removed; or shall have, keep or store in their cannery, or their property surrounding the same, any canned or cooked fish which, for any reason, is unsafe or unfit for human food; provided, however, that this provision shall not apply to the necessary accumulation of inedible product resulting from the ordinary methods of food preparation.

(Prior code § 5550.17)

8.24.060 - Dumping in harbor prohibited.

No person managing, conducting or carrying on any fish cannery in the City shall dump or place any fish offal, oil or residue from the cooking of soup in the Long Beach harbor.

(Prior code § 5550.18)

8.24.070 - Refuse collection and removal.

Every person managing, conducting or carrying on any fish cannery in the City shall provide such fish cannery with metal receptacles sufficient for keeping refuse and offal produced in such cannery; shall keep such receptacles in a sanitary condition; shall not use such receptacles for any edible product; and shall not permit refuse and offal to accumulate in or about the canneries but shall remove or otherwise dispose of the same before any putrefaction commences.

(Prior code § 5550.19)

8.24.080 - Tobacco use prohibited.

No person shall smoke or use tobacco in any form in any fish cannery operating within the City.

(Prior code § 5550.20)

8.24.090 - Lavatory facilities.

Every person conducting or carrying on any fish cannery in the City shall provide the fish cannery with convenient and adequate toilet and lavatory facilities and all employees therein shall keep themselves clean.

(Prior code § 5550.21)

8.24.100 - Construction and equipment.

Every place or building used as a fish cannery in the City shall be of good and strong workmanship, shall be provided with adequate means to exclude flies and rodents therefrom, and all utensils, receptacles and other appliances and appurtenances shall be kept clean and in a safe and sanitary condition.

(Prior code § 5550.22)

8.24.110 - Inspection authorized.

The Health Officer, his deputy or other officer delegated by him, is empowered to enter any fish cannery located within the City at any time for the purpose of inspection and to enforce any of the provisions of this Chapter, or of any law, rule or regulation governing such places in the City.

(Prior code § 5550.23)

8.24.120 - Condemnation and removal of products.

Any fish received, kept or stored in any fish cannery or on the premises surrounding the same, within the City, or at any other place in the City, in violation of any of the provisions of this Chapter, or of any law, rule or regulation governing fish canneries in the City at the time, shall be condemned, and the Health Officer, his deputy or other officer delegated by him, shall mark or mutilate such fish so condemned and make the fact of such condemnation apparent and shall immediately, in writing, order the person in charge of the cannery, or in the possession of the fish, to remove the same from the premises within such time as may be fixed in the order, and every such person so ordered to remove condemned fish shall immediately after the removal of the same make a report in writing to the Health Officer stating the time and manner of the removal and disposal of the condemned fish. Copies of all condemnations and reports of removal shall be filed in the office of the Health Officer.

(Prior code § 5550.24)

CHAPTER 8.26 - INDUSTRIAL HYGIENE SERVICES

8.26.010 - Purpose.

The purpose of this Chapter is to prescribe minimum sanitary, environmental and preventive public health requirements for the protection of the health of all employees and the public in establishments subject to the provisions of this Chapter.

(Ord. C-5891 § 1 (part), 1982)

8.26.020 - Scope.

This Chapter shall apply to all establishments in which articles are manufactured, processed, cleaned, sorted, assembled or renovated, in whole or in part, educational facilities, establishments in which the public may be present, and those establishments practicing the healing arts.

(Ord. C-5891 § 1 (part), 1982)

8.26.030 - Definitions.

The following words and terms as used in this Chapter shall have the meanings as indicated in this Section as follows:

- A. "Adequate or approved" means in conformance with good health practices which in the opinion of the Health Officer are sufficient to protect the health and well being of the employee.
- B. "Breathing zone" means the area or zone of a worker's head during normal operation of a process while at work.
- C. "Capture velocity" means the velocity of air at specific points or zones which causes air contaminants to flow to an exhaust system.
- D. "Conveying velocity" means the air speed determined to be necessary to convey a contaminant through a duct or system.
- E. "Corrosive substance" means any substances which on contact with living tissue will cause destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.
- F. "Dermatitis" means inflammation of the surface of the skin or epidermis.
- G. "Employee" means any person, including an owner, or partner who works in or is employed in a place of employment.
- H. "Employer" means any person who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of a man, woman or minor.
- I. "Gassing" means the rate of generation of a contaminant.
- J. "General ventilation" means introduction of uncontaminated air into an area, room or building or exhausting air therefrom by other than local exhaust ventilation systems.
- K. "Health Officer" means the Health Officer of the City of Long Beach.
- L.

"Hood" means any air intake device connected to an exhaust ventilation system or duct to capture and remove dust, fumes, gases, vapors, mists, smoke, heat or otherwise provide local exhaust ventilation.

- M. "Irritant" means any substance not necessarily corrosive as defined herein, but which on either immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction.
- N. "Lateral exhaust" means local exhaust ventilation designed with slots at the periphery or along the midsection of a surface or tank for the purpose of preventing escape of significant amounts of contaminants to the breathing zone.
- O. "Local exhaust ventilation" means a ventilating system intended to capture air contaminants at or near their point of origin and transport them to an approved exhaust system.
- P. "Occupational disease" as hereinafter used means any disease or infection, including dermatitis, which is peculiar to the industrial process, trade or occupation in each instance and which arises out of and in the scope of employment, and to which an employee is not ordinarily subjected or exposed other than during a period of regular actual employment therein.
- Q. "An occupational health hazard" within the meaning of this Code is any risk to employee's health associated with or arising out of his occupation or occupational work or environment.
- R. "Place of employment or industrial establishment" means every place where persons are employed.
- S. "Sanitary condition" means that physical condition which will tend to prevent the incidence and spread of disease.
- T. "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evidence on reapplication of the same substance and which is so recognized by national authority. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.
- U. "Toilet facilities" means fixtures maintained within toilet rooms for the purpose of defecation.
- V. "Toilet room" means a room maintained within or on the premises of any place of employment containing toilet facilities for use of employees, and shall be used for no other purpose.
- W. "Toxic substance" means any substance other than a radioactive substance which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface.
- X. "Urinal" means a fixture connected with a sewer, maintained within a toilet room for the sole purpose of urination.
- Y. "Water closet" means a toilet facility which is connected to a sewer and flushed with water under pressure.

(Ord. C-5891 § 1 (part), 1982)

8.26.040 - Water supply.

The employers or other persons as provided herein shall be responsible for the following requirements relating to water supply as set forth herein:

- A.

It shall be the responsibility of the owner, operator or employer to provide to every place of employment at all times an adequate supply of running water under pressure for use by human beings for both drinking, face and body washing purposes. Such supply and the facilities, and the location of such facilities, must be approved by the Health Officer.

- B. Ice in contact with drinking water or other beverages shall be made of potable water and maintained in a sanitary condition. All containers used for drinking water shall be of a type and of a construction approved by the Health Officer.
- C. No employee shall provide or expose for common use, or permit to be so provided or exposed or allow to be used in common, any cup, glass, or other receptacle used for drinking purposes.
- D. Where single-service drinking cups are supplied, there shall be provided by the owner at all times, an approved sanitary container for the unused cups and also an approved receptacle for disposing of the used cups.
- E. When sanitary drinking fountains are provided in compliance with this Code, it shall be the responsibility of the employer that they shall be of the angle jet type, with guard, and in good working order at all times, and must be of a design approved by the Health Officer. When such drinking fountains are provided, at least one (1) must be provided for each fifty (50) employees, or fraction thereof.
- F. No person shall fail to provide a drain from any drinking fountain or other potable water source. Said drain shall be connected to an approved drainage system as approved by the Health Officer.
- G. No employer or employee shall provide an open container such as barrels, pails, or tanks for drinking water for general use, from which the water must be dipped or poured, whether fitted with a cover or not.

(Ord. C-5891 § 1 (part), 1982)

8.26.050 - Sanitary facilities.

The employer shall be responsible for the following requirements relating to sanitary facilities as set forth herein:

- A. Separate toilet facilities shall be provided by the employer for each sex according to the following table:

Number of Employees	Minimum Number of Water Closets*
1 to 15	1
<u>16</u> to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6

over 150	1 additional for each additional 40 employees or fraction thereof
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* Urinals may be installed instead of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds of the minimum number of toilet facilities specified.

When there are less than five (5) employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one (1) water closet.

- B. When persons other than employees are regularly permitted the use of toilet facilities on the premises, the number of such facilities shall be correspondingly increased in accordance with this Section.
- C. Toilet facilities shall be kept clean, maintained in good working order and be accessible to the employees at all times. Where practicable, toilet facilities should be within two hundred feet (200') (sixty-one (61) meters) of locations at which workers are regularly employed and should not be more than one (1) floor-to-floor flight of stairs from working areas.
- D. The requirements of this Section do not apply to mobile crews or to normally unattended work locations provided employees at these locations have immediately available transportation to nearby toilet facilities which meet the other requirements of this Section.
- E. All water-carried sewage shall be disposed of by means of either a public sewage system or by a sewage disposal system in conformance with applicable state and local laws, ordinances, and regulations. The sewage disposal method shall not endanger the health of employees.
- F. An adequate supply of toilet paper with holder shall be provided for every water closet.
- G. Covered receptacles for sanitary napkin disposal shall be provided in all toilet rooms used by women.
- H. Washing facilities shall be provided in every toilet room or be adjacent thereto. A minimum of one (1) lavatory shall be provided for every three (3) toilet facilities, or fraction thereof, required by this Section. (See Subsection 8.25.060.C for total number of required washing facilities including those associated with toilet rooms).
- I. The floors, walls and ceilings of all toilet rooms shall be of a nonabsorbent material approved by the Health Officer that can be easily cleaned and maintained in good repair.
- J. All outside windows of all toilet rooms shall be equipped with suitable and effective insect screens approved by the Health Officer.
- K. All inside toilet rooms shall be effectively vented to the outside air by mechanical means as approved by the Health Officer.
- L. Every water closet bowl shall be set entirely free and open from all enclosing woodwork, and shall be so installed that the space around the fixture may be easily cleaned.

(Ord. C-5891 § 1 (part), 1982)

8.26.060 - Washing facilities.

Adequate facilities for maintaining personal cleanliness shall be provided by the employer in every place of employment. Their number and proximity to the employees shall be such as to fulfill properly the requirements set forth in this Code and shall be maintained in a clean and sanitary condition at all times and in compliance with the following:

- A. Washing facilities for maintaining personal cleanliness shall be provided in every place of employment. These facilities shall be reasonably accessible to all employees.
- B. Washing facilities shall be maintained in good working order and in a sanitary condition.
- C. Lavatories, including those associated with toilet rooms, shall be made available according to the following table:

Type of Employment	Number of Employees	Minimum Number of Lavatories
Nonindustrial-office buildings, public buildings, and similar establishments	1 to 15	1
	<u>16</u> to 35	2
	36 to 60	3
	61 to 90	4
	91 to 125	5
	over 125	1 additional for each additional 45 employees fraction thereof
Industrial-factories, warehouses, loft buildings, and similar establishments	1 to 100	1 for each ten employees
	over 100	1 additional for each additional 15 employees or fraction thereof

In a multiple-use lavatory, twenty-four (24) lineal inches (sixty-one cm) of sink or eighteen (18) inches (forty-five cm) of circular basin, when provided with individual faucet, shall be considered equivalent to one (1) lavatory.

- D. The requirements of Subsection C of this Section do not apply to mobile crews or to normally unattended work locations provided employees working at these locations have readily available transportation to nearby washing facilities which meet the other requirements of this paragraph.
- E.

Each lavatory shall be provided with running water and suitable cleansing agents. The water shall be available at temperatures of at least eighty-five degrees Fahrenheit (85°F.) in those instances where:

1. Substances regulated as carcinogens in these orders are used.
- F. Clean individual hand towels, or sections thereof, of cloth or paper or warm-air blowers convenient to the lavatories shall be provided. Warm-air blowers shall provide air at not less than ninety degrees Fahrenheit (90°F.), shall have means to automatically prevent the discharge of air exceeding one hundred forty degrees Fahrenheit (140°F.), and shall have electrical components which meet the requirements of the Electrical Safety Orders of Title 8 of the California Administrative Code.
- G. Receptacles shall be provided for the disposal of used towels.
- H. Where showering is required:
 1. Separate shower rooms shall be provided for each sex. One (1) shower facility with hot and cold water feeding a common discharge line shall be provided for each ten (10) employees, or numerical fraction thereof, who are required to shower during the same shift. When there are less than five (5) employees the same shower may be used by both sexes provided the shower room can be locked from the inside.
 2. Body soap or other appropriate cleansing agents convenient to the shower shall be provided.
 3. Employees who use showers shall be provided with individual clean towels.
- I. Where there is exposure to skin contamination with poisonous, infectious or irritating materials, one (1) lavatory shall be provided for each five (5) persons. Where wash sinks or circular basins are used, twenty-four (24) lineal inches of wash sink or eighteen inches (18") of circular basin, when provided with water outlets for each space, shall be considered equivalent to one (1) lavatory. In all instances, a suitable cleansing agent shall be provided at each wash place.
- J. Employers shall provide change rooms, showers, baths, or lavatories having hot and cold running water, soap and towels, in every place of employment where lack of such facilities may constitute an occupational health hazard and may result in an occupational disease.

(Ord. C-5891 § 1 (part), 1982)

8.26.070 - Lunch rooms.

- A. In all places of employment where employees are permitted to lunch on the premises the employer shall provide an adequate space suitable for that purpose for the maximum number of employees who may use such space at one time. Such space shall be separate and apart from any location where there is an exposure to toxic materials.
- B. The employers shall provide receptacles constructed of smooth, corrosion-resistant, easily cleanable or disposable materials which shall be used for the disposal of food. The number, size and location of such receptacles shall be adequate to prevent overfilling. Receptacles containing food waste shall be emptied not less than once each working day and shall be maintained in a clean and sanitary condition. They shall be provided with solid, tight-fitting covers and be covered at all times when containing waste food.
- C. It shall be unlawful for any employer to permit any employee, or for any employee to store or eat any part of his or her lunch or other food at any time where there are present any toxic materials or other substances that may be injurious to health.

(Ord. C-5891 § 1 (part), 1982)

8.26.080 - Sanitation of respiratory equipment.

The employer shall provide the means for cleaning and sanitizing all respiratory equipment, and it shall be the duty of the employer to cause such equipment to be maintained in a clean and sanitary condition. Respiratory equipment shall not be passed on from one (1) person to another until such equipment is cleaned and sanitized. When filter or cartridge type respirators are used, each employee shall have such respirator for his or her own exclusive use. Respiratory equipment and replacement units shall be stored, when not in use, in containers approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.090 - Health hazards—General.

No person, firm, corporation or employer shall use, or permit to be used, in the conduct of any business, manufacturing establishments, or other places of employment, any material or condition determined by the Health Officer to have possible adverse effects on the health of any person or persons employed therein unless arrangements have been made to maintain the environment to the extent that such injury will not result as approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.100 - Health hazards—Health Officer power to declare a material as a toxic substance.

Whenever, in the judgment of the Health Officer, such action will promote the objective of this Code by avoiding or resolving uncertainty as to their application, the Health Officer may declare any specifically named material, compound, substance or mixture thereof to be a "toxic substance".

(Ord. C-5891 § 1 (part), 1982)

8.26.110 - Health hazards—Inspections and orders.

The Health Officer shall make health and sanitary inspections of places of employment to determine whether any manufacturing process or procedure may have an adverse effect on the physical health of employees or members of the public. Where necessary, the Health Officer shall order the employer to take corrective action to protect the health and well being of employees and members of the public. Any person failing to comply with such an order from the Health Officer shall be guilty of a misdemeanor.

(Ord. C-6326 § 1, 1986; Ord. C-5891 § 1 (part), 1982)

8.26.120 - Sanitation in places of employment.

It shall be unlawful for any employer to fail to maintain any place of employment in a sanitary manner free of vermin, dirt, dusts, manufacturing debris, unusable or unused chemicals, and unsalvageable materials. Storage of such materials shall be in containers approved by the Health Officer for such use and be of adequate size and number as to eliminate improper storage conditions. Said materials are to be removed on a regular basis and of sufficient frequency as approved by the Health Officer.

(Ord. C-5891 § 1 (part), 1982)

8.26.130 - Lighting.

Every employer shall equip each place of employment with lighting facilities which will adequately and effectively illuminate all operations and areas. The Health Officer shall adopt those lighting standards set forth by the Society of Illuminating Engineers to the National Institute for Occupational Safety and Health (NIOSH).

(Ord. C-5891 § 1 (part), 1982)

8.26.140 - Liquid discharge.

No person shall discharge any liquid from any industrial process on the ground or other surface in any place of employment or on public or private property. To avoid creating a hazardous or unsanitary environmental condition for employees or members of the public, an employer shall provide proper drainage, as approved by the Health Officer, for any discharge of liquid from any industrial process.

(Ord. C-6326 § 2, 1986; Ord. C-5891 § 1 (part), 1982)

8.26.150 - Aisle and passageway sanitation.

Permanent aisles and passageways shall be provided by the employer and kept clean and the floor surfaces thereof shall be kept in good repair.

(Ord. C-5891 § 1 (part), 1982)

8.26.160 - Maintenance of equipment.

It shall be the responsibility of the employer to regularly inspect all fans, fan blades, hoods, ducts, filters and baffles and shall properly clean, maintain, repair or replace as often as is necessary said equipment to maintain performances of the involved systems to intended design requirements.

(Ord. C-5891 § 1 (part), 1982)

8.26.170 - Storage of chemicals.

It shall be unlawful for any person to store together, incompatible chemicals as determined by the Health Officer which, if combined, would produce a toxic product.

(Ord. C-5891 § 1 (part), 1982)

8.26.180 - Storage of unopened drums and carboys.

It shall be the responsibility of the employer to provide proper storage for all unopened drums and boxed carboys. Such materials, if stacked upright and two or more layers high, shall be staggered or with pallets between layers so as to provide stability to such stacks.

(Ord. C-5891 § 1 (part), 1982)

8.26.190 - Storage of opened drums and carboys.

It shall be the responsibility of the employer to see that opened drums shall be stored upright and shall not be stacked. Exception: For the purpose of dispensing, such drums may be stored on their sides not over two (2) tiers high if dispensing spigots are installed on the drums and the drums are secured in place.

(Ord. C-5891 § 1 (part), 1982)

8.26.200 - Stacking of opened carboys prohibited.

No person shall stack carboys which have been opened.

(Ord. C-5891 § 1 (part), 1982)

8.26.210 - Identification and labeling of toxic substances.

The employer should at all times store and label toxic substances in a manner approved by the Health Officer. Said materials shall be protected from sources of external corrosion or damage and maintained in containers of sound construction designed to contain the toxic substance stored therein.

(Ord. C-5891 § 1 (part), 1982)

8.26.220 - Review of plans.

The Health Officer may review and approve or disapprove all plans and specifications pertaining to the design of ventilation systems for all places of employment or public occupancy, for the control of environmental health hazards and shall have the authority to require the submission of such plans and specifications. The employer shall submit all plans and specifications at the request of the Health Officer and shall not use, operate, or allow any person to work with any hazardous materials until the Health Officer has approved said installation.

(Ord. C-5891 § 1 (part), 1982)

8.26.230 - Violations.

- A. Any person violating any provision or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor, and any person so convicted shall be subject to such punishment as is provided in the Municipal Code of the City of Long Beach for such misdemeanor offense. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted by such person and shall be punishable accordingly.
- B. All other applicable general penalty provisions of the Municipal Code shall apply to violations of this Chapter.

(Ord. C-5891 § 1 (part), 1982)

8.26.240 - Construction of Chapter.

In adopting this Chapter, it is not the intention of this City Council to intrude upon any area or provisions of Federal or State law that are preemptive of local legislative or regulatory authority, and to the extent that any such intrusion may be suggested, the provisions of this Chapter should be construed to be consistent with and not in conflict with such Federal and State law including but not limited to the provisions of the Occupational Safety and Health Acts.

(Ord. C-5891 § 1 (part), 1982)

CHAPTER 8.27 - COMMUNITY LEAD HAZARD CONTROL/ABATEMENT

8.27.010 - Purpose.

The purpose of this Chapter is to require the removal of lead hazards when the Health Officer has found that a child under six (6) years of age has an elevated blood lead level as a result of such a hazard.

(Ord. C-7367 § 1, 1995)

8.27.020 - Scope.

This Chapter shall apply to any dwelling, dwelling unit, hotel, motel, guest room, child care facility, institution, yard, soil, or any premises or areas inhabited or frequented by children. The property owner or responsible party shall be responsible for the removal or the control of any lead hazard. The extent of the removal or the control of the lead hazard shall be determined by the City Health Officer or his/her representative and completed in accordance with approved State or Federal methods.

(Ord. C-7367 § 1, 1995)

8.27.030 - Definitions.

- A. "Abatement" shall mean measures designed to permanently eliminate known lead hazards to a child, including, but not limited to the following:
 - 1. The removal of lead-based paint from a building component, the replacement of a building component painted with a lead-based paint or the enclosure or encapsulation of lead-based paint.
 - 2. Removal or covering of lead contaminated soil and dust.
 - 3. Removal of any item found to be a lead hazard to a child.
 - 4. All preparation, clean-up, worker protection, disposal and post abatement clearance testing activities associated with such measures.
- B. "Child" means any person who is under six (6) years of age.
- C. "Materials containing dangerous levels of lead-containing substances" means any soil, dust, water, food, household and cosmetic products, pottery, folk remedies, hobby items, paint, varnish, or other material which contains lead or its compounds in a quantity, when measured by any scientifically accepted method, determined by the Health Officer to constitute a lead hazard to children; or that level as determined in the most recent standards as established by the U.S. Department of Health and Human Services, U.S. Department of Housing and Urban Development, Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, or the California Department of Health Services.
- D. "Elevated blood level for lead" means a confirmed blood level of twenty (20) micrograms of lead or greater per deciliter of venous blood, or two (2) consecutive confirmed blood lead levels of fifteen (15) micrograms per deciliter within three (3) months, or that level as determined in the standards as established by the United States Department of Health and Human Services, the Centers for Disease Control and Prevention, the California State Department of Health Services, or the Health Officer for the City of Long Beach.
- E.

"Encapsulation" means a method of abatement that involves the coating and sealing of surfaces with durable surface coatings specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-based paint from becoming part of house dust or otherwise accessible to children. Paint is not an encapsulant unless approved for such use by the U.S. Environmental Protection Agency or the City Health Officer.

- F. "Enclosure" means a method of abatement that involves the resurfacing or covering of surfaces with durable materials such as gypsum board or paneling, and sealing or caulking the edges and joints so as to prevent or control caulking, flaking, peeling, scaling, or loose lead-based paint from becoming part of house dust or otherwise accessible to children.
- G. "Interim controls" means strategies or measures to temporarily reduce a lead hazard to a child including, but not limited to specialized cleaning, paint stabilization, painting, repairs and maintenance.
- H. "Lead-based paint" means any paint or other surface coating that contains lead in excess of 1.0 milligrams per square centimeter, as measured by x-ray fluorescence (XRF), or 0.5 percent (5,000 parts per million [ppm]) by weight as measured by approved laboratory analytical methods, or that level as determined in the most recent standards as established by the U.S. Environmental Protection Agency.
- I. "Lead hazard control" means a range of measures through abatement or interim controls to control lead hazards to children.
- J. "Lead hazards to children" shall mean the presence of a readily accessible, dangerous level of lead-containing substance on the exterior or interior of a surface, fixture, connection or appurtenance of any dwelling, dwelling unit, hotel, motel, guest room, child care facility, institution, yard, soil or any premises inhabited or frequented by children that may cause an elevated blood lead level.
- K. "Readily accessible" means in a dusty, peeling, flaking, or chipped condition, or located on or in a substance or surface from which it may be chewed, ingested or inhaled by children.
- L. "Replacement" means a method of abatement that removes components such as windows, doors and trim that have lead-based painted surfaces, and installs new or de-lead components free of lead-based paint.

(Ord. C-7367 § 1, 1995)

8.27.040 - Inspection.

The Health Officer or his/her representative is empowered to enter any premises or area inhabited or frequented by a child with an elevated blood lead level for the purpose of inspection, sampling, and enforcement of the provisions of this Chapter, subject to any applicable requirements of law relating to such entry.

(Ord. C-7367 § 1, 1995)

8.27.050 - Violations.

It is declared unlawful and a misdemeanor for any person owning, leasing, occupying or having charge or possession of any premises:

- A. To refuse or neglect to remove or reduce known lead hazards to a child if ordered to do so by the Health Officer or his/her representative; or
- B.

To damage, disturb, neglect or remove any abatement or interim control measures so as to cause a lead hazard to a child; or

- C. To permit readily accessible, dangerous levels of lead-containing substances to remain on any toy, furniture, food container or utensil, household product, or the exterior or interior surfaces, soil fixtures or appurtenances of any dwelling, dwelling unit, child care facility, institution, hotel guest room, rooming house, or any premises inhabited or frequented by children; or
- D. To sell, offer for sale, display for sale, hold for sale, give away, apply, maintain on any surface accessible to children, or cause to be applied any paint in excess of 0.06% lead by weight for use on interior or exterior surfaces, fixtures or appurtenances of any dwelling, dwelling unit, institution, hotel guest room, recreational facilities or equipment, furniture, cooking, eating, drinking utensils, or other household items.

(Ord. C-7367 § 1, 1995)

8.27.060 - Abatement procedure.

The City Health Officer or his/her representative shall commence enforcement under this Ordinance by inspecting premises inhabited or frequented by a child with an elevated blood lead level for the purpose of environmental assessment and enforcement.

- A. If the inspection establishes the presence of lead-containing substances which have created a lead hazard to the child, the Health Officer or his/her agent shall issue an order to eliminate the hazard to the property owner, an agent of such owner, or the occupant of the premises.
- B. The Health Officer or his/her agent may also issue interim control measures until permanent abatement measures are in place.

(Ord. C-7367 § 1, 1995)

8.27.070 - Abatement work plan.

- A. Prior to implementation of an abatement work plan or interim control measures, property owners, their agents, or occupants of the premises must submit such plans for approval to the Health Officer or his/her representative.
- B. The work plan shall include a description of the method to be used to reduce the hazard to the child; the disposal method for the lead-containing substances; the personnel performing the work; and other information requested by the Health Officer or his/her representative.

(Ord. C-7367 § 1, 1995)

8.27.080 - Qualifications of persons employed to perform lead hazard control or removal.

All individuals hired or employed by an owner, agent, or responsible party to perform lead-related construction, hazard control, removal, or abatement within the City must have a State of California Interim Certification, or Health Services Permanent Certification when such certification is available through the California State Department of Health Services.

(Ord. C-7367 § 1, 1995)

8.27.090 - Appeal—Order to control or remove hazard.

Within ten (10) days after notice by the Health Officer, his/her deputy, or other designated officer, the affected person may appeal a perceived incorrect measurement or procedure to the Director of the Department of Health and Human Services. The Director of the Department of Health and Human

Services may sustain, reverse, or modify the decision of the Health Officer or his/her representative; such order may be made subject to specific conditions.

(Ord. C-7367 § 1, 1995)

CHAPTER 8.28 - MEAT PROCESSING

FOOTNOTE(S):

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State Law reference— Provisions on meat inspection and sanitation, Health and S. C. § 111950 et seq.

8.28.010 - Definitions.

The term "hamburger" or "hamburg steak" shall be deemed and construed to mean ground beef with or without suet added.

(Prior code § 5550.1)

8.28.020 - Inspection authorized.

The Health Officer is empowered to enter any place where meat, fish, game, poultry or any product thereof is stored, held, kept, exposed or offered for sale for human food, and every establishment where meat is manufactured into articles of human food or preserved, cured, canned or otherwise prepared for human food for the purpose of inspecting the same, and the stock therein contained, and whenever such meat, game, fish, poultry or the products thereof, are, upon such inspection and examination, found to be tainted, unwholesome or corrupted from any cause, or infected with any form of disease, the Health Officer shall condemn the same as unfit for human food and shall mark or mutilate the same, or make the fact of such condemnation and unfitness apparent, and shall immediately order the same, by notice in writing, to be removed from the premises within four (4) hours from the time of the service of the notice, and no person shall resist the entry and inspection by the Health Officer or fail to comply with the written notice.

(Prior code § 5550.2)

8.28.030 - Sales regulations.

- A. No person shall hold, offer, keep or expose for sale any meat, game, fish, poultry or any article of food manufactured therefrom, that is immature, in-nutritious, emaciated, tainted, decayed, putrid, unwholesome or infected with any disease, or corrupted from any cause whatsoever.
- B. No person shall sell, hold, keep, offer or expose for sale the flesh, meat or any meat food product intended for food purposes of any calf that is less than four (4) weeks old at the time it is slaughtered or weighs less than sixty-five (65) pounds after the removal of the viscera, feet and head.
- C. No person shall remove, mutilate or destroy the umbilical or naval cord of any calf or remove the same from the pelt, hide or skin of any calf that is offered, held or exposed for sale, and the removal, mutilation or destruction of the same shall be considered as prima facie evidence of the immaturity of such calf.
- D. No person shall sell, hold, keep, offer or expose for sale any beef, veal, mutton, pork or meat food product unless such veal, mutton, pork or meat food product has been inspected by an agent of the Department of Agriculture of the State in accordance with the provisions of any existing law

pertaining to the same, whether Federal, State or Municipal regulation, said inspection to be evidenced by a stamp bearing the words "California inspected and passed" or "U.S. inspected and passed", or by a stamp of an approved municipal meat inspection department.

- E. No person shall sell, hold, keep or mingle any beef, veal, mutton, pork or meat food product thereof intended for purposes other than for human consumption, with any beef, veal, mutton, pork or meat food product intended for food purposes, in the same refrigerator, icebox, compartment, cooler, room or receptacle.
- F. No person shall sell, hold, keep, offer or expose for sale any meat, fish, game, poultry or any product thereof, intended for human food, or carry, transport or convey the same in, upon, or along any street or open space unless the same is thoroughly enclosed and covered and protected from dirt, dust, flies and other insects; except, that the same may be allowed to remain uncovered and outside of a sanitary showcase or enclosure while the same is being prepared or cut up for market.
- G. No person who does not have an established place of business in the City shall sell, offer or expose for sale any meats or meat food products, either fresh, smoked or processed, to any person other than wholesale meat dealers, retail meat dealers or operators of wholesale meat markets licensed to sell meat and meat food products in the City.
- H. No person other than wholesale meat dealers, retail meat dealers, or operators of wholesale meat markets licensed to sell meat and meat food products in the City shall buy any meats or meat food products, either fresh, smoked or processed from any person who does not have an established place of business in the City.
- I. No person shall sell, hold, keep, offer, or expose for sale, any hamburger or hamburger steak to which has been added any meat or substance other than the flesh of beef or beef suet, or to which has been added viscera, hearts, lungs, or other organs, or any preservative, coloring or any other substance, or which contains in excess of seventy percent (70%) moisture or thirty percent (30%) beef suet or fat.
- J. No person owning, operating, managing or conducting any meat market, restaurant, delicatessen, butcher shop, or other food establishment, as defined in this Chapter, shall have, keep or store at such meat market, restaurant, delicatessen, butcher shop, or other food establishment, as defined in this Chapter, any beef, veal, mutton, pork or meat food product unless the same has been inspected by an agent of the Department of Agriculture of the State in accordance with the provisions of now existing laws pertaining to the same, whether Federal, State or Municipal regulations, said inspection to be evidenced by a stamp bearing the words "California inspected and passed," or "United States inspected and passed," or by a stamp of an approved municipal meat inspection department. The provisions of this Subsection shall include and apply to both wholesale and retail meat markets, restaurants, delicatessens, butcher shops or other food establishments.

(Prior code § 5550.3)

8.28.040 - Slaughterhouse location.

No person shall slaughter any animal or fowl except within an area properly zoned for such purpose.

(Prior code § 5550.4)

8.28.050 - Refrigeration plant—Inspection.

Every refrigeration plant where meat is stored shall be maintained and operated in a clean and sanitary manner and condition, and every such plant and all locker boxes, compartments and storage space therein shall be open at all time to inspection by the Department of Health.

(Prior code § 5550.5)

8.28.060 - Refrigeration plant—Uninspected meat—Storage.

- A. Every person operating a cold storage or refrigeration plant for the storage of meat shall:
 - 1. So handle and store uninspected meat, possession of which is authorized by law, that the same will not at any time come into physical contact with inspected meat;
 - 2. Provide separate chilling, cutting and aging room or rooms for such uninspected meat;
 - 3. Handle or store all such uninspected meat in rooms used for that purpose exclusively;
 - 4. Use separate cutting and other utensils and separate cutting blocks for the butchering and cutting of inspected and uninspected meats.
- B. For the purposes of this Section, the word "room" means any space in a building separated from other areas by substantial partitions reaching to the ceiling or not less than seven feet (7') high.

(Prior code § 5550.6)

8.28.070 - Refrigeration plant—Uninspected meat—Deposit statement contents.

No person, owning or operating a cold storage or refrigeration plant shall permit any person to store or place in said cold storage or refrigeration plant any:

- A. Horse meat;
- B. Any meat, unless the same has been slaughtered under the supervision of a United States Government Inspector in accordance with the regulations relating to the inspection of meats as prescribed by the Department of Agriculture of the United States, or unless the same has been slaughtered in an official establishment under the supervision of the State Veterinarian in accordance with the laws of the State regulating the inspection of animals slaughtered for human food, or under the supervision of the Health Officer or a meat inspector of the City in accordance with the provisions of this Chapter, without first procuring from the person storing said meat a written statement in triplicate setting forth:
 - 1. The name and address of the person storing said uninspected meat,
 - 2. The date of such storage,
 - 3. That the person storing the same is the owner thereof,
 - 4. A description of the slaughtered animal or animals (e.g., cattle, sheep, swine, etc.),
 - 5. The quantity by weight of the meats so stored,
 - 6. By whom slaughtered,
 - 7. Where slaughtered,
 - 8. The date the meat to be stored was obtained by the person storing same,
 - 9. Whether the person storing the meat was the owner of the animal at the time it was slaughtered,
 - 10. If not the owner of the meat at the time of slaughter, from whom it was obtained:
 - a. The address of the person from whom obtained;
 - b. Whether meat was purchased by the person storing same.

(Prior code § 5550.7)

8.28.080 - Refrigeration plant—Uninspected meat—Deposit statement filing.

The owner or operator of such cold storage or refrigeration plant shall forthwith file one (1) copy of the statement provided for in the preceding section with the Health Department, one (1) copy shall be forwarded forthwith to the Division of Livestock Identification of the Department of Agriculture of the State, and one (1) copy shall be retained in the files of the cold storage or refrigeration plant.

(Prior code § 5550.8)

8.28.090 - Refrigeration plant—Uninspected meat—Withdrawal from storage.

- A. No person, other than the owner thereof, shall remove any uninspected meat from any cold storage or refrigeration plant.
- B. No owner or operator of a cold storage or refrigeration plant shall permit or allow anyone but the owner of uninspected meat to remove the same from the cold storage or refrigeration plant.
- C. It shall not be a violation of the provisions of this Section, however, if uninspected meat stored in privately rented locker boxes is withdrawn in quantities not to exceed ten (10) pounds in any one (1) day by a member of the immediate family or household of the owner; provided, that the person so withdrawing the meat signs a certificate that the uninspected meat so withdrawn is for the personal use of the family or household of the owner.

(Prior code § 5550.9)

8.28.100 - Refrigeration plant—Uninspected meat—Withdrawal statement.

- A. No person owning or operating a cold storage or refrigeration plant shall permit any person to withdraw any uninspected meat from the plant without first procuring from such person a written statement setting forth:
 - 1. The name and address of the person withdrawing such uninspected meat;
 - 2. The date of such withdrawal;
 - 3. That the person withdrawing the same is the owner thereof, or a member of such owner's immediate family or household;
 - 4. The quantity, by weight, of meat being withdrawn;
 - 5. If withdrawn by a member of the owner's immediate family or household, that the same is for the personal use of the family or household of the owner.
- B. Such statement shall be attached to and filed with the statement of deposit of the uninspected meat required by this Chapter to be retained in the office of the cold storage or refrigeration plant.

(Prior code § 5550.10)

8.28.110 - Boiling offal, tallow or lard.

No person shall boil offal, tallow, lard or any portion of an animal, except fresh from the animal and not decayed or putrid.

(Prior code § 5550.11)

CHAPTER 8.32 - MEAT SALES INITIATIVE ORDINANCE

8.32.010 - Initiative set out.

The following initiative ordinance was approved by the qualified electors of this City at an election held on the fourth day of May, 1937, as required by Ordinance No. C-1491. The placing of this initiative ordinance in this municipal code shall not be construed as altering, amending, or repealing the ordinance. Any violation of the provisions of the initiative ordinance shall not be deemed to be a violation of any of the provisions of this municipal code, but shall be deemed to be a violation of the initiative ordinance and punishable as provided in the initiative ordinance.

An ordinance amending Section 27 of Ordinance No. 35 (new series); repealing Section 1 of Ordinance No. 711 (new series), Ordinances of the City of Long Beach, and repealing all other ordinances and parts of ordinances in conflict herewith.

The City Council of the City of Long Beach ordains as follows:

SECTION 1—Definitions—The following terms used in this ordinance, shall have the significance attached to them in this Section unless otherwise clearly apparent from the context:

(a) Inspector—The term "Inspector" shall be deemed and considered to mean and include the Health Officer of the City of Long Beach and any of his subordinates by him detailed as meat inspectors of the Health Department; provided, however, that any inspector, except the Health Officer himself, must be approved by the Health Department of the State of California or other appropriate State Department and must fully qualify himself under the Civil Service regulations of the City of Long Beach.

(b) Meat—The term "Meat" shall be deemed and construed to mean and include all animal flesh, carcasses and parts thereof, and meat food products as defined by the California Meat Inspection Regulation, designed and intended for human consumption or sold and disposed of as human food, including fish, game and rabbits.

(c) Person—The word "Person" shall mean and include both the singular and plural and shall also mean and include all natural persons, firms, associations, clubs, co-partnerships, corporations and all associations or combination of persons, whether acting by themselves or by a servant, agent or employee.

(d) Sale Etc.—The terms "Sale," "Sell," "Offer to Sell" or "Offer for Sale" shall include every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy.

(e) Wholesale Meat Dealer—The phrase "Wholesale Meat Dealer" shall be deemed and construed to mean and include any person, other than the owner and holder of a wholesale meat market license, who sells or disposes of meats and meat food products at wholesale, to customers for the purpose of resale at retail or wholesale or the preparation, cooking or processing thereof for human consumption.

(f) Wholesale Meat Market—The phrase "Wholesale Meat Market" shall be deemed and construed to mean and include all premises, buildings, and/or parts thereof used for the preparation and display for sale, or for the sale or disposal of meats and meat food products, at wholesale, to customers for resale, or to restaurants, cafes and others for curing, processing, cooking or otherwise preparing for food. The conduct of a wholesale meat market shall include deliveries therefrom of orders previously received.

Sec. 3—It shall be unlawful to apply, affix, or attach to any meats or meat food products, any mark, tag, stamp, or insignia indicating the grade or quality of the meats or meat food products that the same are inspected meats or meat food products within the meaning of this ordinance unless the same has actually been inspected and the stamp affixed thereto by proper authority.

It shall be unlawful for any person to advertise, offer for sale, or cause or knowingly permit the advertising, offering for sale or selling of any meat, except shanks, offal, heads, plucks and wild game other than by weight, determined on a scale by weight or beam, properly sealed by the Department of Weights and Measures.

Sec. 5—Section 1 of Ordinance No. 711 (new series), ordinances of the City of Long Beach, and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Sec. 6—If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Long Beach hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one (1) or more other sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 7—Every person violating any of the provisions of this ordinance or doing any act or thing herein declared to be unlawful shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), or by imprisonment in the City Prison for not more than six (6) months, or by both such fine and imprisonment.

Sec. 8—The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause the same to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect thirty (30) days after its final passage.

Note: Section 2, including Subsection (h) thereof, of Ordinance 35 (N. S.), as amended by initiative ordinance adopted on May 4, 1937, pursuant to Ordinance No. C-1491, was repealed by the people at an election held on June 5, 1951, pursuant to Ordinance No. C-3037. The initiative ordinance did not contain a Section 4 at the time of its adoption.

(Prior code § 5550)

CHAPTER 8.36 - MILK AND MILK PRODUCTS

8.36.010 - Definitions.

All words, terms, and phrases used in this Chapter, except "Health Officer," shall be construed as defined in the Agricultural Code of the State, unless from the particular context it clearly appears that some other meaning is intended.

(Prior code § 5140.4)

8.36.020 - Permit—Milk.

No person shall engage in the business of producing or processing of any grade of market milk to be sold in the City or sell any grade of market milk in the City without applying for and obtaining an annual permit so to do from the Health Officer for each separate dairy, milk plant or place of business.

(Prior code § 5140.5)

8.36.030 - Permit—Milk products.

No person shall engage in the business of producing, processing or manufacturing any ice cream, ice milk, ice cream mix, ice milk mix, buttermilk, or cottage cheese to be sold in the City or sell any ice cream, ice milk, ice cream mix, ice milk mix, buttermilk, or cottage cheese in the City without applying for and obtaining an annual permit so to do from the Health Officer for each separate dairy or plant where such products are produced, processed, or manufactured.

(Prior code § 5140.6)

8.36.040 - Permit—Applicant investigation.

Upon receipt of an application for any permit issued under the terms of this Chapter, the Health Officer shall cause an investigation to be made of the dairy, milk plant, or place of business where market milk or milk products are produced, processed, manufactured, sold or distributed; and in the case of a dairy, of the herd producing the milk.

(Prior code § 5140.7)

8.36.050 - Permit—Suspension, revocation or expiration.

If the provisions of the State Agricultural Code regulating the production, processing, manufacturing, and standards of market milk or milk products, and the regulations pertaining thereto, and the provisions of this Chapter are complied with, the permit shall be issued by the Health Officer; provided, however, that the permit shall be granted only on the expressed condition that the same shall be subject to revocation or suspension for a period not to exceed six (6) months upon proof to the satisfaction of the Health Officer of any violation by the holder thereof or his servants, employees, or agent of any of the provisions of the State Agricultural Code or regulations pertaining thereto, regulating the production, processing, or standards of market milk or milk products or of any provision of this Chapter. Each permit issued under the terms of this Chapter shall expire at the end of the calendar year in which it is issued unless the same has been revoked or suspended as provided by this Chapter.

(Prior code § 5140.8)

8.36.060 - Permit—Suspension or revocation notice.

No permit shall be suspended or revoked until after a hearing has been held by the Health Officer. Notice of the hearing shall be given in writing and served at least five (5) days prior to the date of hearing, upon the holder of the permit or upon his manager or agent. The notice shall state the grounds of complaint against the holder of the permit and shall also state the time when, and the place where, the hearing will be held. The notice shall be served upon the holder of the permit by delivering the same to said person or to his manager or agent; if such person has no place of business, then at his place of residence. If the holder of the permit cannot be found and service of the notice cannot be made upon him or his manager or agent, then a copy of the notice shall be mailed postpaid and registered, to the last known address of the holder of the permit; provided, however, when deemed necessary for the preservation of public health, the Health Officer is empowered to temporarily suspend the sale of milk or milk products immediately when the emergency arises, without the necessity of holding a hearing.

(Prior code § 5140.9)

8.36.070 - Change of ownership or location.

- A. Any person who purchases any such business for which a permit has been obtained and is in force at the time of such sale may conduct and operate such business under such permit for a period of not to exceed thirty (30) days from and after the date of such sale, unless such permit is revoked or suspended as provided in this Chapter, and such purchaser shall, during the period of said thirty (30) days, apply for and obtain a permit in the manner provided by this Chapter; and provided further, that if any holder of any such permit changes or removes the location of his place of business, such holder may continue to conduct and operate such business under such permit for a period of not to exceed thirty (30) days from and after the date of such change or removal unless such permit is revoked or suspended as provided in this Chapter, and such holder shall, during the said period of thirty (30) days, apply for and obtain a permit in the manner provided by this Chapter.
- B. If such new permit is not applied for and obtained in the manner and within the time prescribed in this Section, such person shall be deemed to be conducting and operating such business without a permit from and after the expiration of such period of thirty (30) days.

(Prior code § 5140.10)

8.36.080 - Tuberculin testing of cows required.

No person shall sell any milk or milk products of any kind intended or prepared for human consumption unless such milk or the milk used in any such milk products has been produced from nonreacting tuberculin tested cows.

(Prior code § 5140.11)

8.36.090 - Milk fats and solids required.

No person shall sell in the City any grade of market milk containing less than three point five percent (3.5%) milk fat, eight point five percent (8.5%) solids not fat.

(Prior code § 5140.12)

8.36.100 - Raw milk bottling.

No person shall sell any grade of raw market milk not bottled on-premises where produced.

(Prior code § 5140.13)

8.36.110 - Acceptance of other inspection services.

The Health Officer may at his discretion, in lieu of personal inspection, examinations and tests, accept the physical examinations of milk handlers, inspections covering tuberculin tests of dairy cattle or goats, physical examinations of dairy cattle or goats, laboratory tests or examinations for the determination of disease of dairy cattle or goats, laboratory examinations of milk and milk product or dairy products, sanitary inspection of dairies, milk plants, or water ices manufacturing plants, when made or conducted by representatives of the State Department of Agriculture, or inspector of an approved milk inspection service of such animals, products, and places that may be situated in or whose products are sold in another approved inspection area. In such cases, the Health Officer may require an interexchange of records and reports and shall when notified in writing by the Health Officer if another approved inspection service refuses admission into the City any milk and milk products that do not conform to the provisions of the State Agricultural Code, or when such milk and milk products have been degraded or excluded by another approved inspection service for violation of any provisions of the State Agricultural Code.

(Prior code § 5140.14)

8.36.120 - Milk delivery hours.

- A. No person shall deliver dairy products to any residence, dwelling, living quarters, or business in the City except between the hours of five a.m. and six p.m. of any day.
- B. The provisions of this Section shall not be deemed to apply to the following:
 - 1. Delivery of milk to any plant or place of business for bottling, processing, or pasteurizing;
 - 2. Delivery of milk to a central depot or other place for distribution;
 - 3. Delivery to any governmental agency.

(Prior code § 5140.15)

CHAPTER 8.40 - MOBILE FOOD VENDING VEHICLES

FOOTNOTE(S):

--- (3) ---

Cross reference— Provisions on licensing, see Chapter 8.44 of this Code.

State Law reference— Provisions on mobile food units, Health and S. C. division 104, part 7, chapter 4.

8.40.010 - Construction.

Mobile food vending vehicles shall be constructed so that those portions used for display or storage of food, foodstuffs or food products, liquids or materials intended for food or drink for human consumption, are constructed of a durable hard-finish, washable material; and said portions of said vehicles shall be completely enclosed while being moved, driven, or conveyed along or upon any street or open space. Said vehicles shall be painted, in good repair, in good sanitary condition, and shall have licensee's name painted on both sides of the body in letters at least four inches (4") in height.

(Prior code § 5510.22)

8.40.020 - Food packaging.

All food except confectionery items and pastries to be served, sold or offered for sale from mobile food vending vehicles shall be dated, prepared and packaged in individual portions in a licensed food establishment, approved by the Health Department or other governmental agency having jurisdiction.

(Prior code § 5510.24)

8.40.030 - Beverages.

Coffee, milk, tea, hot chocolate, sugar and cream may be served from mobile food vending vehicles in single service containers approved by the Health Department. Cream shall be kept refrigerated and in a closed container. Coffee may be obtained from a food products establishment which is subject to Health Department inspection, or may be prepared on the vehicle, provided the vehicle is properly equipped for making coffee and the water used as an ingredient in the coffee is obtained from an approved source. No drinks may be served from bulk type dispensers on any such vehicle except as provided in this Section.

- A. All drinks, except coffee, are to be prepared, properly labeled, and placed in individual sealed containers in a food products establishment approved by the Health Department.
- B. The ingredients of any drink shall conform to all applicable laws and regulations.
- C. Coffee, hot water, sugar and cream shall be served from a dispenser approved by the Health Department.
- D. No ice shall be placed in any drink.
- E. Drip catchers and containers, readily removable for cleaning and easily cleaned, shall be installed beneath the outlet or faucet.
- F. The drink outlet shall be protected from contamination. The parts of the dispenser which come in contact with the drink shall be readily removable for cleaning purposes, or shall be readily cleanable in place, and shall be thoroughly cleaned each day, and the vehicle or the whole

dispenser shall be regularly taken to an approved food establishment which is equipped with adequate facilities for cleaning and sanitizing the units, and shall be kept in a clean and sanitary condition.

- G. All cups and containers for drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination. No food containers, wrappers or utensils shall be kept in the driver's compartment.

(Prior code § 5510.25)

8.40.040 - Dating of food.

All foods, other than tamales, intended to be sold hot and which are required to be kept hot or cold to prevent spoilage shall be marked to show the name of the day on which such food is placed on the mobile food vending vehicle. All foods, including tamales, which have been heated in the mobile food vending vehicle and which have not been sold on the day for which they are dated shall not be sold on subsequent days and shall be disposed of in a manner approved by the Health Officer. No such food shall be rewrapped, repackaged or redated. Plate lunches and cream pastries are prohibited from sale on mobile food vending vehicles.

(Prior code § 5510.26)

8.40.050 - Heating appliance—Thermometer required.

Heating appliances or ovens for heating food shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device. The thermometer shall be placed on the heating appliance, oven or device so that the internal temperature may be readily ascertained from the outside of the device.

(Prior code § 5510.27)

8.40.060 - Heating appliance—Temperature required.

Heating appliance or oven temperature shall be kept at a minimum temperature of one hundred eighty degrees Fahrenheit (180°F.) during the period that foods are being heated. Heated foods shall have an internal temperature of at least one hundred forty degrees Fahrenheit (140°F.).

(Prior code § 5510.28)

8.40.070 - Refrigeration.

All salads, cottage cheese, yogurt, milk or buttermilk, and other perishable foods shall be kept in approved refrigeration facilities so arranged that their container tops or contents are not submerged in or subject to splashing of water accumulation from melted ice or by other possible sources of contamination.

(Prior code § 5510.29)

8.40.080 - Ice.

When chipped ice is in contact with beverage bottles, adequate drains shall be maintained to continuously remove all water from the melting ice from the compartments wherein bottled beverages are kept in contact with such ice. All ice shall be procured from an approved source.

(Prior code § 5510.30)

8.40.090 - Refuse container.

The operator shall maintain a suitable container for refuse and, unless operating on private property where adequate sanitary maintenance is provided by the property owner or manager, he shall be responsible for sanitation of the environs of the place of operation.

(Prior code § 5510.31)

8.40.100 - Animals prohibited.

No animal, fowl or pets shall be permitted on the vehicle.

(Prior code § 5510.32)

8.40.110 - Inspection days.

All mobile food vending vehicles having a City license and a Health Department permit to operate within the City shall be transported to the Health Department building, 2655 Pine Avenue, on the second or third Tuesday of each of the even-numbered months of the year, between the hours of eight a.m. and five p.m. for the purpose of inspection. In the event of either day being a legal holiday, the next following day is designated. Failure to appear for vehicle inspection as described in this Section shall be deemed a violation of this Chapter and may be cause for revocation of permit to operate.

(Prior code § 5510.33)

8.40.120 - License and permit display.

City license and Health Department permits shall be prominently displayed in each mobile food vending vehicle.

(Prior code § 5510.34)

8.40.130 - Communicable disease prohibited.

No operator or licensee shall operate a mobile food vending vehicle, who, in the opinion of the Health Officer having jurisdiction, is affected with, or a carrier of any communicable or infectious disease.

(Prior code § 5510.35)

CHAPTER 8.44 - RESTAURANTS

FOOTNOTE(S):

--- (4) ---

Cross reference— Provisions on mobile food vending vehicles, see Chapter 8.40 of this Code.

State Law reference— Provisions on the sanitation of restaurants, Health and S. C. division 104, part 7, chapter 4 et seq.

8.44.010 - Definitions.

- A. "Dealer" means and includes any person who sells or offers for sale, dispenses or delivers food at wholesale or retail, whether from a fixed place of business or otherwise, and includes the owner, agent, employee and servant.
- B. "Food" as used in this Chapter is defined to mean all articles used for food, drink, liquor, confectionery, condiment or chewing gum by human beings whether such articles are simple, mixed or compound.
- C. "Food handler" means and includes any person who engages or serves in any work, occupation or employment which requires or occasions the handling of any food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of such food or drink.
- D. "Grocery market" means any establishment or portion thereof where canned, bottled, packaged, wrapped, or bulk foods, including meats, fruits and vegetables, are sold or offered for sale at retail or for consumption on premises other than where sold, except a public market operated directly under City supervision.
- E. "Mobile food vending vehicle" means and includes any self-powered vehicle wherein or wherefrom only wrapped food, foodstuffs, products, liquids or material intended for food or drink for human consumption are sold, served, distributed, or offered for sale, and mobile food preparation vehicles, as defined in Long Beach Municipal Code Section 3.57.010. A vehicle from which bakery products, ice cream, meat and eggs shall be dispensed shall not be included within the term "mobile food vending vehicle."
- F. "Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment, and any other eating establishment, organization, club, including veterans' club, boardinghouse, guesthouse or political subdivision, which gives, sells, or offers for sale food to the public, guests, patrons, or employees as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions. The term "restaurant" shall not include itinerant restaurants, vending machines, vehicles, cooperative arrangements by employees who purchase food or beverages for their own consumption and where no employee is assigned full-time to care for or operate equipment used in such arrangement, or private homes; nor shall the term "restaurant" include churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political, or educational nature, which purchase food, food products, or beverages or which receive donations of food, food products or beverages, for service without charge to their members, or for service or sale at a reasonable charge to their

members or to the general public at occasional fundraising events, for consumption on or off the premises at which the food, food products, or beverages are served or sold, if the service or sale of such food, food products or beverages does not constitute a primary purpose or function of the club or association, and if no employee or member is assigned full-time to care for or operate equipment used in such arrangement.

- G. "Unsanitary wrapping" includes any newspaper, used sack, used paper and any other covering or material that has been used.

(ORD-11-0030, § 3, 2011; Prior code § 5510)

8.44.020 - Compliance required.

No person shall operate any restaurant, lunch counter, cafeteria, confectionery, candy factory, soda fountain, malt beverage establishment, cocktail room, ice cream parlor, hotel kitchen, bakery, other food establishments, or mobile food vending vehicle without first complying with the provisions of this Chapter regulating such businesses.

(Prior code § 5510.1)

8.44.030 - License—Applicant investigation.

- A. No license to operate any food establishment or mobile food vending vehicle in the City shall be originally issued, renewed or transferred by the Tax Collector unless such food establishment or mobile food vending vehicle is first inspected by the Health Officer.
- B. Upon application being made to the Tax Collector for a license to operate a food establishment or a mobile food vending vehicle, or a renewal or a transfer of either such license, the tax collector shall refer the application to the Health Officer. The Health Officer shall make or cause to be made an investigation of such applicant and the place where and the manner in which such food establishment or mobile food vending vehicle is to be or is being operated and conducted. If the Health Officer determines that the applicant and the food establishment or mobile food vending vehicle conform to the provisions of this Chapter and to the other provisions of this Code, and to all applicable State laws and statutes regarding the operation of food establishments and mobile food vending vehicles, he shall authorize the Tax Collector to issue, renew, or transfer the license, and the tax collector shall issue, renew or transfer such license; otherwise, the Health Officer shall deny the application and the Tax Collector shall not issue, renew or transfer the license. The Health Officer shall make his recommendation to the Tax Collector within ten (10) days after the filing of the application with the Tax Collector.

(Prior code § 5510.13)

8.44.040 - License and permit—Required.

No person shall engage in or carry on the business of a food establishment or mobile food vending vehicle in the City without first having obtained a permit and a license so to do, as provided in this Chapter.

(Prior code § 5510.14)

8.44.050 - License and permit—Application contents.

Every person desiring to carry on or conduct the business of a food establishment or mobile food vending vehicle in the City shall make a written application to, and upon forms furnished by, the Health Officer. Such application shall be verified and state the name and address of the applicant, the address at which the business is proposed to be carried on, a brief description of the nature of the business,

products to be prepared or sold, equipment, method of operations, name under which, and places where the applicant conducted any similar business, if any, within twelve (12) months immediately preceding the date of the application.

(Prior code § 5510.15)

8.44.060 - Permit—Issuance.

The Health Officer shall make or cause to be made an investigation of the applicant and the proposed place of business or mobile food vending vehicle and the manner in which the food establishment or mobile food vending vehicle is to be conducted, and if he finds that all provisions of this Code and all laws of the State regarding food establishments or mobile food vending vehicles have been and will be complied with, he shall issue the permit; otherwise, the application for permit shall be denied. Such permits shall be good for one (1) year from date of issuance and shall be annually renewed in the same manner as that provided for the securing of a new permit; provided, however, that no fee shall be charged for a renewal of any permit. Such permits shall be nontransferable and nonassignable.

(Prior code § 5510.16)

8.44.061 - Inspection.

- A. The City Health Officer shall periodically conduct inspections of all places in the City where food is prepared, stored, or sold to determine whether they comply with the requirements of this Chapter and other applicable laws or whether the activities on the premises constitute a public health hazard.
- B. An eating establishment may be found to be a public health hazard where it is maintained in an unhealthful, unsafe or unsanitary condition. An unhealthful, unsafe or unsanitary condition exists where the location has faulty plumbing or any other condition resulting in sewage or wastewater discharge into any area not designed and intended to carry or hold such sewage or wastewater discharge; no hot water, no water; infestation by rodents, vermin or vectors; no means of sanitizing multi-use utensils; filthy premises or related or similar conditions.

(Ord. C-6056 § 1, 1984)

8.44.062 - Emergency closure.

- A. The City Council hereby finds and determines that any eating establishment which constitutes a public health hazard as defined in Section 8.44.061 is a public nuisance which should be abated.
- B. If the City Health Officer finds a premises to constitute a public health hazard, the City Health Officer shall order that premises to be closed immediately and shall commence proceedings to revoke the permit of such establishment. Said premises shall remain closed until the permit revocation process has been completed or until the conditions creating a public health hazard have been cured.

(Ord. C-6056 § 2, 1984)

8.44.070 - Permit—Revocation—Hearing.

Whenever the Health Officer determines from his examination or inspection of any food establishment or mobile food vending vehicle that the holder of any permit issued under the provisions of this Chapter has violated any of the provisions of this Code or any of the laws of the State regarding food establishments or mobile food vending vehicles or the sale, preparation or distribution of food, he may serve a written notice upon the permittee to appear before the Health Officer to show cause why the permit shall not be revoked. Such notice shall contain a brief statement of the alleged violation, and the time and place of hearing, which shall be held within ten (10) days after the receipt of notice. The permittee may appear in person or with counsel and present such evidence as he may desire regarding

the alleged violation and show cause why the permit shall not be revoked. The Health Officer shall receive such information, evidence and testimony as may concern the circumstances of the alleged violation, and the formal rules of evidence shall not apply. If the Health Officer determines that any of the provisions of this Chapter or any other provisions of the Code regarding food establishments or mobile food vending vehicles or the sale, preparation or distribution of food have been or are being violated, he may temporarily suspend or revoke the permit, provided any such suspension period shall not exceed ninety (90) days. Reinstatement of suspended license shall not be effected unless the act, default or omission which was the grounds for suspension has been remedied prior to the time of reinstatement.

(Prior code § 5510.17)

8.44.080 - Appeal.

Any person aggrieved by any finding, determination, or act of the Health Officer shall within ten (10) days from the date thereof take whatever legal steps he may deem necessary to forestall or prevent such finding, determination or act from becoming final and conclusive.

(Prior code § 5510.18)

8.44.090 - Permit—Revocation—Reapplication.

Whenever any permit has been revoked under the terms of this Chapter, no other application for a permit to carry on a similar business by the permit holder shall be considered for a period of one (1) year from the date of such revocation.

(Prior code § 5510.19)

8.44.100 - Water.

Every restaurant, cafe, cafeteria, eating house or hotel kitchen, malt beverage establishment, cocktail room, and other food establishments, must have an adequate supply of hot and cold running water available at all times.

(Prior code § 5510.2)

8.44.110 - Ventilation canopies.

All stoves, ranges, candy kettles, doughnut kettles, doughnut machines, ovens, hot plates, or other similar cooking devices, shall be equipped with a metal canopy of a size at least four inches (4") larger than the entire cooking surface of the cooking device on all sides. The canopy shall be ventilated to the outside air by a separate ventilating flue of not less than six inches (6") in diameter for an ordinary stove, or as much larger as the Health Officer may deem necessary for effective operation.

(Prior code § 5510.3)

8.44.120 - Eating utensil—Repair.

All dishes, glasses, drinking glasses, or other utensils or articles used for table service or used by customers or for the public generally shall be kept in first class condition and repair. Dishes, glasses, drinking glasses or other utensils becoming cracked, chipped or damaged shall not be used and may be confiscated at any time by the Health Officer.

(Prior code § 5510.4)

8.44.130 - Eating utensils—Sterilization.

All dishes, glasses, drinking glasses, or other utensils used in the preparation, serving, distribution and handling of food shall be sterilized after each separate use in compliance with rules and regulations of the State Board of Health, the Health Officer and as prescribed in this Code; provided, however, the bacterial count shall not exceed two hundred fifty (250) organisms per utensil surface examined.

(Prior code § 5510.5)

8.44.140 - Paper cups and plates.

Individual paper drinking cups and plates shall be used whenever facilities for sterilization of glasses and plates do not meet the requirements of the Health Officer or the methods as set forth in this Chapter.

(Prior code § 5510.6)

8.44.150 - Beverages dispensed from tap—Dipper wells.

- A. No person shall sell, dispense, furnish or give away any malt beverages, or any other beverages from any tap, faucet or any container, unless there is available and not farther than four feet (4') from such tap, faucet, or container, two separate sinks made of metal or other impervious material, each sink of the minimum capacity of three (3) gallons.
- B. All dipper wells or containers used to hold spoons, dippers and other utensils must be provided with circulating water.

(Prior code § 5510.7)

8.44.160 - Malt beverage tap—Drain.

No person shall sell, dispense, furnish or give away any malt beverages from any tap or faucet unless all drainage from such tap or faucet is rigidly connected with a pipe of one-half inch (1/2") in diameter without break or interruption to sewer line.

(Prior code § 5510.9)

8.44.170 - Malt beverage tap—Coil cleaning.

No person shall sell, dispense, furnish or give away any malt beverages from any tap or faucet unless the conduit, coil, pipe or other connection leading from the source of supply of the beverage to the faucet or tap is flushed and cleaned thoroughly at least once each week, or oftener if necessary, with a suitable cleaning agent or by mechanical means so as to maintain the coil, pipe or connection in a clean and sanitary condition at all times.

(Prior code § 5510.10)

8.44.180 - Food handler—Outer garment.

No food handler shall engage or serve in any work, occupation or employment or on any mobile food vending vehicle which requires or occasions the handling of any food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of such food or drink unless the food handler wears an outer garment made of washable material. These garments shall be kept clean and sanitary at all times.

(Prior code § 5510.11)

8.44.190 - Food handler—Hand washing.

All food handlers who handle any food or food products, liquids or drink for human consumption, or the material from which food is prepared, before beginning work and immediately after visiting a toilet or lavatory and resuming work shall wash their hands and arms thoroughly with soap and water.

(Prior code § 5510.12)

8.44.200 - Toilet facilities.

Every food establishment in the City shall be provided with suitable and adequate toilet facilities conveniently located with separate rooms for men and women. The doors of all toilet rooms shall be self-closing and shall not open directly into any room in which food, drink or utensils are handled, prepared, or stored.

(Prior code § 5510.20)

8.44.210 - Lighting.

No person shall operate any restaurant, lunch counter, cafeteria, bakery, ice cream parlor, confectionery, soda fountain, malt beverage establishment, eating place, food establishment, premises for which an on-sale license has been issued pursuant to the State Alcoholic Beverage Control Act, or any rooms or portions thereof in which food, beverages or drink intended for human consumption are sold, offered for sale or given away unless the same are lighted on a plane of thirty-six inches (36") from the floor with a minimum light intensity of ten (10) foot-candles.

(Prior code § 5510.21)

8.44.220 - Menu with prices required.

No person shall conduct any hotel, restaurant, cafe or other place where food is sold, served or offered for sale or service, to the public, upon orders therefor, without having displayed thereat a menu, bill of fare or other device, showing to the patrons thereof, the time of ordering food, the price of each kind of food and each combination of foods offered for sale or service thereat.

(Prior code § 5520.3)

8.44.230 - Cafeteria—Price tags required.

No person shall conduct any cafeteria, or other place where food is sold, served or offered for sale or service to and in view of the public, without having conspicuously displayed immediately adjacent to each kind of such food and each combination of foods a card, tag or other device showing to the patrons thereof, at the time of ordering food, the price thereof.

(Prior code § 5520.4)

CHAPTER 8.45 - FOOD FACILITY

8.45.010 - Definitions.

- A. "Food" means any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection, or condiment for human consumption.
- B. "Food facility" for the purposes of this Chapter, includes the following:
 - 1. "Commissary" means a food establishment in which food, containers, equipment, or supplies are stored or handled for use in mobile food facilities, mobile food preparation units, stationary mobile food preparation units.
 - 2. "Food establishment" means any room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food at the retail level. "Food establishment" includes a restricted food service transient occupancy establishment, as defined herein.
 - 3. "Mobile food preparation unit" means any mobile food facility or portable food service unit upon which food is prepared for service, sale, or distribution at retail.
 - 4. "Mobile food vehicle" means any vehicle from which prepackaged or approved unpackaged foods are sold or offered for sale at the retail level. Shall not include a vehicle from which only ice cream or produce is sold or offered for sale.
 - 5. "Restricted food service transient occupancy establishment" means an establishment of twenty (20) guest rooms or less, that provides overnight transient occupancy accommodation, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal, and no other meals, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation.
 - a. "Restricted food service transient occupancy establishment", notwithstanding Subsection B.5 of this Section, may serve light foods or snacks presented to the guest for self-service.
 - b. "Restricted food service occupancy establishment", for purposes of this Section, refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this Section, the existence of some other legal relationships as between some occupants and the owner or operator shall be immaterial.
 - 6. "Stationary mobile food preparation unit" means a mobile food preparation unit which operates at a State, County, district, or citrus fair or any approved occasional event and which remains in a fixed position during food preparation and its hours of operation.

(Ord. C-7581 § 1, 1998)

8.45.020 - Exemptions.

Notwithstanding the definitions contained in Section 8.45.010, a food facility shall not include the following:

A cooperative arrangement wherein no permanent facilities are used for storing or handling food, or private home, church, private club, or other nonprofit association that gives or sells food to its members and guests at occasional events, or a for-profit entity that gives or sells food at occasional events, for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition for participating in the event.

(Ord. C-7581 § 1, 1998)

8.45.030 - Food facility inspection report.

"Food facility inspection report" means the written notice prepared and issued by the City, Department of Health and Human Services, after conducting an inspection of a food facility to determine compliance with all applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

(Ord. C-7581 § 1, 1998)

8.45.040 - Inspection summary report.

"Inspection summary report" means a report that shall be posted by the Director of Health and Human Services or his/her designee at a food facility upon completion of a routine inspection that indicates a summary of the findings contained in the food facility inspection report as determined by the Director of Health and Human Services or his/her designee. For the purposes of this provision, a food facility shall include a food facility operating in conjunction with a food processing establishment. Nothing in this provision shall prohibit the Director of Health and Human Services or his/her designee from immediately closing any food facility if, in his or her discretion, immediate closure is necessary to protect the public health.

(Ord. C-7581 § 1, 1998)

8.45.050 - Notice of closure.

"Notice of closure" means a notice that may be posted by the Director of Health and Human Services or his/her designee at a food facility upon suspension or revocation of the establishment's public health permit and that results in the immediate closure of the facility and the discontinuance of all operations of the food facility, by order of the Director of Health and Human Services or his/her designee because of violations of applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

(Ord. C-7581 § 1, 1998)

8.45.060 - Routine inspection.

"Routine inspection" means a periodic, unannounced inspection of any food facility to determine compliance with all applicable Federal, State and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health. A routine inspection shall not mean an inspection conducted by the Director of Health and Human Services or his/her designee to determine compliance with a previously issued food facility inspection report or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

(Ord. C-7581 § 1, 1998)

8.45.070 - Posting requirements—Penalty for noncompliance—Documents available for public review.

- A. Upon issuance by the Director of Health and Human Services or his/her designee, the Director of Health and Human Services or his/her designee shall post at every food facility the inspection summary report, as determined by the Director of Health and Human Services or his/her designee, so as to be conspicuous to the general public and to patrons entering or using the food facility. "Conspicuous to the general public and to patrons" shall mean:
1. Posted on the front door or in the front window of the facility within five feet (5') of the front door;
 2. Posted in a display case mounted on the outside front wall of the facility within five feet (5') of the front door; or
 3. Posted in a location as directed and determined in the discretion of the Director of Health and Human Services or his/her designee to ensure proper notice to the general public and to patrons.
- B. In the event that a food facility is operated in the same building or space as a separately licensed or permitted business, or in the event that a food facility shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the Director of Health and Human Services or his/her designee shall post the inspection summary report, in the initial patron contact area, or in a location as determined in the discretion of the Director of Health and Human Services or his/her designee.
- C. The inspection summary report shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food facility unless the inspection summary report is in place as set forth in this Section. Removal of the inspection summary report is a violation of this Chapter and may result in the suspension or revocation of the public health permit and may be punishable as specified in Section 8.45.100
- D. The food facility inspection report upon which the inspection summary report is based and all subsequent reports issued by the Director of Health and Human Services or his/her designee shall be maintained at the food facility and shall be available to the general public and to patrons for review upon request. The food facility shall keep the food facility inspection report and all subsequent reports until such time as the Director of Health and Human Services or his/her designee completes the next routine inspection of the facility and issues a new food facility inspection report.

(Ord. C-7581 § 1, 1998)

8.45.080 - Inspection summary report—Period of validity.

The inspection summary report shall remain valid and posted until the Director of Health and Human Services or his/her designee completes the next routine inspection of the food facility.

(Ord. C-7581 § 1, 1998)

8.45.090 - Public health permit suspension or revocation—Notice of closure.

- A. Upon issuance of a written notice of suspension or revocation of the public health permit by the Director of Health and Human Services or his/her designee, the Director of Health and Human Services or his/her designee shall post a notice of closure at the food facility so as to be clearly visible to the general public and to patrons.
- B. Upon issuance of the written notice of suspension or revocation of the public health permit by the Director of Health and Human Services or his/her designee, the food facility shall immediately close to the general public and to patrons and shall discontinue all operations until the public health permit has been reissued or reinstated by order of the Director of Health and Human Services or his/her designee or until the facility no longer operates as a food facility.

- C. The notice of closure shall remain posted until removed by the Director of Health and Human Services or his/her designee. Removal of the notice of closure by any person other than the Director of Health and Human Services or his/her designee or the refusal of a food facility to close upon issuance of the written notice of suspension of the public health permit is a violation of this Chapter and may result in the suspension or revocation of the food facility's public health permit and may be punishable as specified in Section 8.45.100

(Ord. C-7581 § 1, 1998)

8.45.100 - Violation.

Notwithstanding any other provision of this Chapter, violation of this Chapter is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not more than six (6) months, or both. Each day during any portion of which any violation of any provision of this Chapter is committed, continued or permitted makes such violation a separate offense.

(Ord. C-7581 § 1, 1998)

8.45.110 - Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Ord. C-7581 § 1, 1998)

CHAPTER 8.46 - DISPOSAL OF FATS, OILS AND GREASE

8.46.010 - Definitions.

- A. "Best management practices" means activities, prohibitions or practices, maintenance procedures, and other management practices as determined by the Long Beach Water Department to prevent or reduce the discharge of fats, oils and grease in the public sewer and storm drain systems.
- B. "Enforcement official" means the persons designated in Section 8.46.060
- C. "Fats, oils and grease" (sometimes referred to in this Chapter as simply "grease") means organic polar compounds derived from animal or plant sources, containing multiple carbon chain triglyceride molecules, detectable and measurable using analytical test procedures established in section 136 of title 40 of the Code of Federal Regulations, in effect at the time of enactment hereof and as hereafter amended or replaced.
- D. "Food facility" shall have the same meaning defined in Subsection 8.45.010.B of this Code and, in addition, includes grocery markets and restaurants as defined in Section 8.44.010 of this Code.
- E. "Grease interceptor" means a large underground tank installed outside a food facility and connected to the outgoing sewer drainage system of the food facility, and designed for removing and preventing fats, oils and grease from entering the public sewer collection system.
- F. "Grease trap" means a device connected directly to the outgoing drains of sinks inside a food facility near the areas of food preparation and intended for separating the fats, oil and grease from wastewater before the fats, oils and grease enter the public sewer collection system.
- G. "Wastewater" means water after it has been used in homes, businesses, landscaping or agriculture (such as plots where food is grown) that contains enough harmful material to damage the water's quality. Wastewater also includes domestic-sewage and industrial waste from manufacturing sources.

(Ord. 05 0003 § 1, 2005)

8.46.020 - Public nuisance and public health hazard.

In addition to being a misdemeanor as stated in Section 1.32.010 of this Code, any condition caused or permitted to exist in violation of this Chapter may be declared a public nuisance after a hearing held in accordance with this Chapter and may constitute a public health hazard subject to Sections 8.44.061 and 8.44.062 of this Code.

(Ord. 05 0003 § 1, 2005)

8.46.030 - Requirements for food facilities.

Any food facility that discharges wastewater into the public sewer collection system shall comply with the following requirements:

- A. The owners and employees of a food facility shall be able to and, when requested by a representative of the City, shall demonstrate that the food facility complies with best management practices for handling fats, oils and grease.
- B. A food facility shall have one (1) or more drums or containers for the recycling and disposal of fats, oils and grease. Drums and containers used for storage of fats, oils and grease shall be leakproof and shall be secured with close fitting lids. The owner or operator of a food facility shall

keep the drums and containers in a location on the site of the food facility so that there is no possibility of an accidental or deliberate spilling of fats, oils or grease onto a public right-of-way. The drums and containers shall be removed for recycling as frequently as necessary to avoid an unsafe, hazardous, or untidy condition or an impediment to passage. The owner, operator and employees of a food facility shall remove fats, oils and grease that have spilled, including, but not limited to, grease generated by washing hoods, floors and mats, and shall immediately clean the area where the spill occurred.

- C. Prior to or at the time that the owner or operator of a new food facility applies for a business license or a building permit from the City's Department of Planning and Building, the owner or operator shall submit to the Long Beach Water Department plans describing the manner in which the owner or operator will comply with this Chapter, particularly with respect to the grease interceptor. Prior to or at the time that the owner or operator of an existing food facility applies for a building permit from the City's Department of Planning and Building for modifications to the plumbing system at that existing food facility which modifications have an estimated cost of twenty thousand dollars (\$20,000.00) or more, the owner or operator shall submit to the Long Beach Water Department plans describing the manner in which the owner or operator will comply with this Chapter, particularly with respect to the grease interceptor. Any time there is a change in ownership of an existing food facility or a change in the operation of an existing food facility, the new owner (if there is a change in ownership) or the current owner or operator (if there is a change in the operation) shall submit to the Long Beach Water Department plans describing the manner in which the owner will comply with this Chapter, particularly with respect to the grease interceptor.

Food facilities subject to this Subsection may apply for a variance from the requirements relating to a grease interceptor. If the enforcement official determines that the installation of a grease interceptor would not be feasible due to limitations on space or other relevant factors, a variance will be granted. The burden is on the food facility to demonstrate that the installation of a grease interceptor is not feasible.

- D. The Long Beach Water Department may authorize the installation of a grease trap or other alternative pretreatment technology where the installation of a grease interceptor is not feasible provided that the owner has obtained the prior written approval of the Long Beach Water Department for the type and size of alternative pretreatment technology to be installed by the owner. Alternate pretreatment technology includes, but is not limited to, devices used to trap, separate and store grease from wastewater to prevent it from discharge into the public sewer collection system.
- E. The owner or operator of a food facility shall keep a written record of the maintenance, repair and cleaning of grease traps and grease interceptors for a period of one (1) year, beginning on the date a new business is open to the public or, in the case of a modification to the food facility which requires a building permit, on the date of final inspection as shown on the building permit (a copy of which shall be delivered to the Long Beach Water Department). This record shall contain documentation (including, but not limited to, receipts) showing the times, dates, nature of the maintenance, repair and cleaning, quantities of fats, oils and grease removed, and the name, address and phone number of the person or entity cleaning the grease interceptor, grease trap or alternative pretreatment technology (if it has been approved by the City).
- F.

The owner or operator of a food facility that fails to implement best management practices or that has repeated incidents relating to grease spills or blockages shall install grease interceptors or, if a variance is granted under Subsection C of this Section, grease traps or other alternative pretreatment technology.

- G. The owner, operator and employees of a food facility shall allow enforcement officials access to the food facility during the normal business hours of the food facility or outside of normal business hours, if acceptable to the food facility, for the purpose of sampling wastewater, inspecting the grease interceptors and grease traps, and reviewing the records and documentation required by Subsection E of this Section.
- H. Food facilities shall comply with the latest edition of the "Rules And Regulations" regularly published by the Long Beach Water Department as they relate to the prevention of spills or blockages of fats, oils and grease, and to grease trap requirements.

(Ord. 05 0003 § 1, 2005)

8.46.040 - Requirements for grease interceptors.

- A. The size and installation of grease interceptors shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the City.
- B. Grease interceptors shall be constructed in accordance with a design approved by the City's Department of Planning and Building and shall have a minimum of two (2) compartments with fittings designed for the retention of grease.
- C. The owner or operator of a food facility shall install grease interceptors at a location easily accessible for inspection, cleaning and removal of grease and shall not install or allow them to be installed in any part of a building where food is handled. Owners or operators shall obtain the prior written approval for the location of grease interceptors from the City's Department of Health and Human Services.
- D. The owner or operator of a food facility shall empty grease interceptors of accumulated grease and other contents as necessary to maintain the minimum capacity or volume of the grease interceptor.
- E. The owner or operator of a food facility shall inspect the grease interceptor at least once each month or more frequently if ordered to do so by enforcement official when maintenance and repair of the grease interceptor is unsatisfactory.
- F. The owner or operator of a food facility shall ensure that the grease interceptor provides a minimum hydraulic retention time in accordance with the latest edition of the California Plumbing Code adopted by the City, and shall remove all accumulated grease cap and sludge pockets as necessary to allow the grease interceptor to perform at maximum efficiency.
- G. The owner or operator of a food facility shall keep the grease interceptor free from inorganic-solid materials including, but not limited to, grit, rocks, gravel, sand, eating utensils, cigarettes, shells, rags and similar things that could settle into the sludge pocket and reduce the effective volume of the grease interceptor.
- H. The owner or operator of a food facility shall not allow the discharge of sanitary waste through a grease interceptor.
- I. The owner or operator of a food facility shall provide a manhole having a minimum diameter of twenty-four inches (24") to allow access over each chamber and sanitary tee of a grease interceptor. The manholes shall extend at least to finished grade and shall be designed and maintained to prevent water inflow or infiltration. The manholes shall have covers that can be removed readily for inspection, removal of grease and sampling of wastewater.

8.46.050 - Requirements for grease traps.

- A. Following receipt of the written approval of the Long Beach Water Department, the owner or operator of a food facility shall install a grease trap in the waste line leading from sinks, drains, and other fixtures or equipment in the food facility where fats, oils and grease may be introduced into the drainage system or sewer system in quantities that could cause a blockage in either the public or private sewer lines. In addition to the approval of the Long Beach Water Department, all grease traps must be of a type or design approved by the IAPMO (International Association of Plumbing and Mechanical Officials), NSF (National Sanitation Foundation), and UL (Underwriters' Laboratory).
- B. The size and installation of grease traps shall comply with the requirements of the latest edition of the California Plumbing Code adopted by the City.
- C. The owner or operator of a food facility shall not install a grease trap that has a stated rate of flow of more than fifty-five (55) gallons per minute or less than twenty (20) gallons per minute, unless the enforcement official has granted a variance from this stated rate of flow.
- D. The owner or operator of a food facility shall maintain grease traps in efficient operating condition, including, but not limited to, the frequent, periodic-removal of accumulated grease and food debris, and shall maintain them in accordance with the manufacturer's directions. The owner, operator and employees of a food facility shall not allow accumulated grease to be introduced into any drain pipe or public or private sewer line.
- E. The owner or operator of a food facility shall not connect a food waste disposal unit or dishwasher to a grease trap and shall not allow any discharge from a food waste disposal unit or dishwasher into a grease trap.
- F. The owner or operator of a food facility shall not allow wastewater in excess of one hundred forty degrees Fahrenheit (140°F) or sixty degrees Celsius (60°C) to discharge into a grease trap.

(Ord. 05 0003 § 1, 2005)

8.46.060 - Enforcement.

This Chapter shall be enforced by the City Health Officer, or designee, or by the General Manager of the Long Beach Water Department, or designee. These persons shall be known as enforcement officials and they are authorized to take any actions necessary to enforce this Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.070 - Administrative hearing procedure.

- A. The City Attorney shall appoint a Hearing Officer who shall not be an enforcement official. The Hearing Officer shall set the time and place for the hearing and send notice of the hearing to the owner of record of the food facility or restaurant and to the enforcement official at least ten (10) days before the hearing. The notice shall also include the location and the nature of alleged violation of this Chapter.
- B. At least five (5) days before the hearing, the enforcement official shall provide to the owner of record and to the Hearing Officer a copy of any report made by the enforcement official or any other City employee regarding the alleged violation. If the enforcement official has a proposed plan for abatement of the alleged nuisance, then the enforcement official shall also provide this plan to the owner of record and to the Hearing Officer.
- C.

The Hearing Officer may proceed with the hearing in the absence of the owner of record or the enforcement official if he or she has not received an explanation for the absence prior to the commencement of the hearing.

- D. Once a notice of hearing has been given, there shall be no communications between the owner of record, the operator of the food facility or restaurant or its employees regarding the alleged violation.
- E. The owner of record may submit to the Hearing Officer with a copy to the enforcement official written evidence to rebut the City's report alleging a violation of this Chapter.
- F. The owner and the enforcement official may make an oral statement and the time limits for the statements will be set by the Hearing Officer prior to the hearing. If either the owner or the enforcement official wishes to call witnesses at the hearing, then they shall provide the names, addresses, telephone numbers, and a summary of the testimony of the witnesses to the Hearing Officer and to the other interested party at least three (3) days prior to the hearing. The Hearing Officer may ask questions of the parties or the witnesses.
- G. The Hearing Officer shall render a decision, in writing, after the hearing is closed and shall mail a copy of the decision to the owner at the address for the location of the alleged violation and shall deliver or mail a copy to the enforcement official. The decision of the Hearing Officer shall be final.

(Ord. 05 0003 § 1, 2005)

8.46.080 - Exemptions.

Any food facility that is not engaged in the preparation of food to be consumed by the public including, but not limited to, liquor stores, candy stores, and stores selling only prepackaged food is exempt from this Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.090 - Severability.

If any part of this Chapter or the application of this Chapter to any person or entity is held to be invalid by a court of competent jurisdiction, then the remainder of this Chapter shall remain in full force and effect and shall not be affected by the invalidity of only part of the Chapter.

(Ord. 05 0003 § 1, 2005)

8.46.100 - Complementary to Chapter 15.20.

This Chapter is not intended to nor shall it be deemed to supersede or have priority over Chapter 15.20. This Chapter and Chapter 15.20 shall be construed as complementary.

(Ord. 05 0003 § 1, 2005)

CHAPTER 8.48 - DAIRIES AND HOG RANCHES

FOOTNOTE(S):

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Cross reference— Provisions on sanitation and regulation of milk and milk product sales, see Chapter 8.36 of this Code.

State Law reference— Provisions on milk and milk products, Food and Agric. C. § 32501 et seq.

8.48.010 - Definitions.

- A. "Dairy" as used in this Chapter means and includes any ranch, farm, lot, parcel of real property, building, barn, shed, corral, enclosure or other place where four (4) or more cows are kept or maintained and milked.
- B. "Hog farm" means and includes any ranch, farm, lot, parcel of real property, building, barn, shed, corral, enclosure, sty or other place where ten (10) or more swine are kept or maintained.
- C. "Milk" means and includes milk, cottage cheese, cream and buttermilk.

(Prior code § 5140)

8.48.020 - Areas prohibited.

No person, as principal, agent, employee, or otherwise, shall maintain any dairy or hog farm within that portion of the City described as follows:

- A. Beginning at the intersection of the easterly line of American Avenue with the southerly line of Wardlow Road and running thence southerly along said easterly line of American Avenue to the centerline of Anaheim Street; thence east along said centerline of Anaheim Street to the centerline of Orange Avenue; thence south along said centerline of Orange Avenue to the centerline of Eleventh Street; thence east along the centerline of Eleventh Street and the prolongation thereof to the centerline of Temple Avenue; thence southerly along said centerline of Temple Avenue and the prolongation thereof to the southerly boundary line of the City; thence westerly along said southerly boundary line of the City to the prolongation southerly of the centerline of Lime Avenue; thence northerly along said prolongation southerly and said centerline of Lime Avenue to the centerline of First Street; thence west along said centerline of First Street to the centerline of Frontenac Court; thence north along said centerline of Frontenac Court to the centerline of Fourth Street; thence west along said centerline of Fourth Street to the centerline of Golden Avenue; thence south along said centerline of Golden Avenue and the prolongation thereof to the southerly boundary line of the City; thence westerly along said southerly boundary line of the City to the westerly boundary line of the City; thence northerly along said westerly boundary line of the City and following its various courses to the prolongation southwesterly of a northwesterly boundary line of the City, said northwesterly boundary line of the City being a line one hundred feet northwesterly of, measured at right angles and parallel, to a northwesterly boundary line of the City as said boundary line existed prior to the annexation election of December 28th, 1923; thence northeasterly along said prolongation southwesterly and said northwesterly boundary line of the City and following its various courses to the northerly line of

Wardlow Road, as Wardlow Road is shown on map of "Tract No. 6823", as per map recorded in Book 74, page 61 of Maps, Records of the County; thence easterly along said northerly line of Wardlow Road to the westerly line of Perris Avenue; thence easterly in a direct line to the intersection of the easterly line of Perris Avenue with the southerly line of Wardlow Road; thence easterly along said southerly line of Wardlow Road to the westerly right-of-way line of the County flood control channel; thence easterly in a direct line to the intersection of the easterly right-of-way line of the County flood control channel with the southerly line of Wardlow Road and thence easterly along said southerly line of Wardlow Road to the point of beginning.

B. Or that portion of the City lying east of a line described as follows:

Beginning at the intersection of the prolongation southerly of the centerline of Temple Avenue with the southerly boundary line of the City; and running thence northerly along said prolongation southerly and said centerline of Temple Avenue to the centerline of Eleventh Street; thence west along said centerline of Eleventh Street and the prolongation thereof to the centerline of Orange Avenue; thence north along said centerline of Orange Avenue to the centerline of Anaheim Street; thence west along said centerline of Anaheim Street to the easterly line of American Avenue; and thence northerly along said easterly line of American Avenue to the easterly line of Long Beach Boulevard; thence northerly along said easterly line of Long Beach Boulevard to a point on The Compromise Line between Rancho San Pedro and Rancho Los Cerritos, as said Compromise Line is shown in Licensed Surveyor's Map Book 6, pages 15 and 16, Records of the County, said Compromise Line being also a boundary line of the City; thence in a northeasterly direction along said Compromise Line and following the various courses of the boundary line of the City to the easterly line of Long Beach Boulevard, as Long Beach Boulevard is located at the southerly line of Scott Street, as Scott Street is shown on Map of "Tract No. 9119", as per map recorded in Book 123, pages 33 and 34 of Maps, Records of the County; and thence northerly along the easterly line of Long Beach Boulevard to the northerly boundary line of the City.

(Prior code § 5140.1)

8.48.030 - Exceptions.

Nothing in this Chapter shall apply to that portion of real property in the City described as:

All that portion of Lot seven, Block twenty-nine, Cooperative Colony Tract, except the east one hundred ninety-two and sixty-five one-hundredths feet thereof, as per map recorded in Book 21, pages 15 to 16, Miscellaneous Records of the County.

(Prior code § 5140.3)

CHAPTER 8.52 - FUMIGATING AND DISINFECTING

8.52.010 - Notice to Health Officer.

No person shall put or place any cyanide or other dangerously poisonous material in any house or other building for the purpose of fumigating or disinfecting the same unless written notice thereof is given to the Health Officer at least three (3) days in advance thereof stating the intention of such person to so put or place such cyanide or other dangerously poisonous material, together with the exact location of the house or other building to be fumigated or disinfected.

(Prior code § 5150)

CHAPTER 8.56 - WEED REMOVAL

FOOTNOTE(S):

--- (6) ---

Note— Prior ordinance history: Prior code §§ 5230—5230.21, 5568.

8.56.010 - Purpose.

This Chapter is enacted pursuant to the City Charter and State law for the purpose, among others, of providing a system to keep all privately owned real property within the City free of weeds and debris and providing a system for levy and collection to cover the cost of such removal by the City including incurred enforcement costs.

(Ord. C-7098 § 1, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meaning provided in this Section unless such meaning would be repugnant to the subject matter or the context in which used:

- A. "Lot" means a lot, parcel, tract or piece of land, improved or unimproved, in the City, including the sidewalk area abutting or adjoining said lot, parcel, tract or piece of land, and the parkway or area lying between the curblin and the property line of the adjoining or abutting lot bounded on the sides by the prolongation in a straight line of the side lines of the lot in front of which such parkway or area exists.
- B. "Lot cleaning levy" means the charge made by the Building Official for removing weeds or debris from a lot plus all penalties for nonpayment of the charges which have accrued at the time plus any civil penalties that are assessable under the provisions of Section 8.56.210. In the event the owner fails to comply within the time frame established by the Building Official or as modified on appeal by the Board of Examiners, Appeals and Condemnation, the lot cleaning levy shall also include all incidental enforcement costs incurred by the City whether or not the work was performed later by the City, by the owner, or by others, except as provided below. Incidental enforcement costs include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be included in the lot cleaning levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).
- C. "Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(Ord. C-7098 § 2, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.030 - Nuisance.

The existence upon any lot of weeds and/or debris, as defined in this Chapter, is expressly declared to be a public nuisance, and it shall be the duty of both the owner of the lot and any person who may be in possession thereof or who has a right to such possession, to at all times keep such lot clean and free therefrom.

(Ord. C-6104 § 1 (part), 1984)

8.56.040 - Notice—Form.

Whenever the Building Official finds weeds and/or debris on any lot, he shall cause a notice to clean premises to be given to the assessee of the lot as shown upon the current equalized assessment roll, in the manner provided in this Section, and the assessee shall be deemed to be the agent of the owner for the purpose of receiving service of the notice. The notice shall be in substantially the following form:

NOTICE TO CLEAN PREMISES

To _____, as owner of the hereinafter described premises:

Pursuant to the provisions of Chapter 8.56 of the Municipal Code of the City of Long Beach, you are hereby notified to remove from _____

(Description of property)

AKA; _____

(address)

All weeds and/or debris, as defined in said Municipal Code, within twenty (20) days from the date of this notice. If such weeds and/or debris are not removed within that time, the undersigned will cause it to be removed and the charges for removal, including all incidental enforcement costs incurred by the City, shall become a lien upon your property. Be advised that incidental enforcement costs will become a lien upon your property if the weeds and/or debris are not removed within twenty (20) days even if you perform the work later.

If you intend to remove such weeds and/or debris on your account, you are required, pursuant to the Long Beach Municipal Code, to obtain from the undersigned a certificate stating that your premises have been satisfactorily cleaned; otherwise he will, if dissatisfied with the manner in which said work has been done, cause the premises to be recleaned at your expense.

If you object to cleaning the weeds and/or debris from your premises you may appeal to the Board of Examiners, Appeals and Condemnation by filing a written notice of appeal in the office of the undersigned within fifteen (15) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code.

Dated: _____

Superintendent of Building and Safety

City of Long Beach

(Ord. C-7098 § 3, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.050 - Notice—Service.

The notice to clean premises shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing the same in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(Ord. C-6104 § 1 (part), 1984)

8.56.060 - Appeal hearing—Service of notice.

- A. The Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.
- B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.
- C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.
- D. "Owner", as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.
- E. The failure of any person to receive such notice shall not affect the validity of any proceedings under this Chapter.

(Ord. C-6104 § 1 (part), 1984)

8.56.070 - Appeal—Hearing—Procedure.

- A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed cleaning of the premises. The hearing may be continued without further notice.
- B. Upon conclusion of the hearing, the Board shall determine whether the premises, or any part thereof, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed twenty (20) days, within which cleaning shall take place; and in the event the owner fails to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.
- C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be complete at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.
- D.

No legal proceeding or action shall lie against the City or any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. C-7098 § 4, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.080 - Owner removal notice.

Every owner served with a notice or order to clean premises, who upon his own account cleans the weeds and/or debris from his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if no weeds and/or debris exist thereon he shall issue to the owner a certificate so stating. If weeds and/or debris still exist on the lot, he shall cause the same to be removed and the cost thereof assessed against the lot as if no such notice was received from the owner.

(Ord. C-6104 § 1 (part), 1984)

8.56.090 - City removal—Authorized.

If any owner served with a notice to clean premises fails to remove the weeds and/or debris from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall thereupon be authorized, and it shall be his duty to enter upon the lot involved and clean the weeds and/or debris therefrom.

(Ord. C-6104 § 1 (part), 1984)

8.56.100 - City removal—Lot cleaning levy computation.

The Building Official shall, after the removal of weeds and/or debris from any lot, compute all expenses so incurred by the City in connection therewith including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs plus any prescribed penalties. All expenses shall be charged to and become an indebtedness of the owner of such premises, except that incidental enforcement costs shall not be included in the lot cleaning levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 5, 1993; Ord. C-6104 § 1 (part), 1984)

8.56.110 - City removal—Lot cleaning levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots cleaned, as said owners are determined from the current assessment roll, and in the same manner as provided for service of the notice to clean premises, a notice to pay lot cleaning levy (sometimes referred to in chapter as notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY

LOT CLEANING LEVY

In accordance with the provisions of Chapter 8.56 of the Long Beach Municipal Code, the Building Official has caused the weeds and/or debris upon _____

(legal)

AKA _____

(address)

to be cleaned either at City expense or the work was accomplished by that owner or others after the established deadline.

You are hereby notified that the total cost, including incidental enforcement costs and any prescribed penalties, of _____ are now due and payable to the City of Long Beach.

Section 8.56.120 of the Long Beach Municipal Code provides, in part, that the property owner or any interested person may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals and Condemnation on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for said amount, plus a fee for preparation of the lien, shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year (June 30) and transfer of collection to the City Treasurer becomes necessary.

(Ord. C-7098 § 6, 1993: Ord. C-6104 § 1 (part), 1984)

8.56.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board of Examiners, Appeals and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.56.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.56.070.

(Ord. C-6104 § 1 (part), 1984)

8.56.130 - Interest of charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and a lien against the real property and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and a lien against the real property thirty (30) days after the notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6104 § 1 (part), 1984)

8.56.140 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for lot cleaning or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6104 § 1 (part), 1984)

8.56.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot cleaning, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6104 § 1(part), 1984)

8.56.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot cleaning, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6104 § 1 (part), 1984)

8.56.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot cleaning, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6104 § 1 (part), 1984)

8.56.180 - Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.
- B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot cleaning, correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. C-6104 § 1 (part), 1984)

8.56.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a public nuisance, as defined in Section 8.56.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.56.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance.

(Ord. C-6104 § 1 (part), 1984)

8.56.200 - No dumping—Property may be posted.

A. The Building Official may post a "no dumping" sign on any public or private property if he finds that such property has been repeatedly subjected to dumping in violation of Section 374b of the Penal Code.

B. The sign shall read:

NO DUMPING

(Penal Code Section 374b)

Violators Will Be Prosecuted

In addition, the sign shall contain an appropriate City telephone number designated by the Building Official.

(Ord. C-6407 § 1, 1987)

8.56.210 - Civil penalty—City removal more than once.

If the Building Official finds that the City had previously removed weeds from the same property after notice to the same owner, he shall assess a civil penalty based on the following schedule when weeds are again removed by the City:

Civil penalty: for previous removal of weeds by the City once within the preceding five (5) years—fifty percent (50%) of the City's administrative cost for removal including processing fees; for previous removal by the City two (2) or more times within the preceding five (5) years—one hundred percent (100%) of the City's administrative cost for removal including processing fees.

The City will give notice of this civil penalty to all property owners when weed abatement procedures are instituted against their properties.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation, as provided in Section 8.56.120.

The civil penalty constitutes a debt of the person charged to the City of Long Beach and is collectible by the City as an obligation or liability created by statute.

(Ord. C-6498 § 1, 1988)

CHAPTER 8.58 - GRAFFITI ABATEMENT

8.58.010 - Purpose.

This Chapter is enacted for the purpose of providing a system to keep all privately owned real property within the City free of graffiti and providing a system for levy and collection to cover the cost of such removal by the City.

The increase of graffiti on both private and public buildings and structures creates a condition of blight resulting in a deterioration of property and business values for adjacent properties all to the detriment of the City.

(Ord. C-6769 § 1 (part), 1990)

8.58.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meaning provided in this Section:

- A. "Lot" means a lot, parcel, tract, premises or piece of land, improved or unimproved, in the City.
- B. "Graffiti removal levy" means the charge made by the Building Official for removing graffiti from a lot plus all penalties for nonpayment of the charges which have accrued.
- C. "Graffiti" means any unauthorized inscription, word, figure or design which is marked, etched, scratched, drawn or painted on any structural component of any building structure, or other facility regardless of the nature of the material of that structural component.
- D. "Owner" as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.

(Ord. C-6769 § 1 (part), 1990)

8.58.030 - Nuisance.

The existence upon any lot of graffiti is expressly declared to be a public nuisance, and it shall be the duty of both the owner of the lot and any person who may be in possession or who has a right to such possession, to at all times keep such lot clean and free from graffiti.

(Ord. C-6769 § 1 (part), 1990)

8.58.040 - Notice—Form.

Whenever the Building Official finds on any lot graffiti which can be seen by any person using any public right-of-way, he shall cause a notice to remove graffiti to be given to the assessee of the lot as shown upon the current equalized assessment roll, and the assessee shall be deemed to be the agent of the owner and tenant for the purpose of receiving service of the notice. The notice shall be in substantially the following form:

NOTICE TO REMOVE GRAFFITI

To_____, as owner:

Pursuant to the provisions of Chapter 8.58 of the Long Beach Municipal Code, you are hereby notified to remove from _____

(Description of property)

AKA _____

Address

all graffiti as defined in the Municipal Code, within seven (7) days from the date of this notice. If such graffiti is not removed within that time, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.

If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.

If you object to the removal of the graffiti from your premises, you may appeal to the Board of Examiners, Appeals and Condemnation by filing a written notice of appeal in the office of the undersigned within five (5) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code.

Dated: _____

Superintendent of Building and Safety

City of Long Beach

(Ord. C-6769 § 1 (part), 1990)

8.58.050 - Notice—Service.

The notice to remove graffiti shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery or by depositing the notice in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(Ord. C-6769 § 1 (part), 1990)

8.58.060 - Appeal hearing—Service of notice.

- A. If there is an appeal, the Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.
- B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.
- C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

- D. The failure of any person to receive such notice of hearing shall not affect the validity of any proceedings under this Chapter.

(Ord. C-6769 § 1 (part), 1990)

8.58.070 - Appeal—Hearing—Procedure.

- A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed removal of the graffiti. The hearing may be continued without further notice.
- B. Upon conclusion of the hearing, the Board shall determine whether the premises, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine how the nuisance is to be abated and shall establish a time, not to exceed seven (7) days, within which removal shall take place; and in the event the owner fails to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred by the City shall become a personal obligation of the owner and tenant and a lien on the property.
- C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.
- D. No legal proceeding or action shall lie against the City or any officer, agent or employee of the City to enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. C-6769 § 1 (part), 1990)

8.58.080 - Owner removal notice.

Every owner served with a notice or order to remove graffiti who upon his own account removes the graffiti from his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if no graffiti exists thereon he shall issue the owner a certificate so stating. If graffiti still exists on the lot, he shall cause it to be removed and the cost will be assessed against the owner and tenant and become a lien on the property as if no such notice of removal was received from the owner.

(Ord. C-6769 § 1 (part), 1990)

8.58.090 - City removal—Authorized.

If any owner served with a notice fails to remove the graffiti from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall thereupon be authorized, to enter upon the lot involved and remove the graffiti.

(Ord. C-6769 § 1 (part), 1990)

8.58.100 - City removal—Graffiti abatement levy computation.

The Building Official shall, after completing the removal of graffiti from any lot, compute all expenses so incurred by the City, including the applicable processing fees as set forth by City Council resolution. All expenses shall be charged to and become an indebtedness of the owner and tenant of such premises.

8.58.110 - City removal—Graffiti abatement levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots where graffiti was removed, as the owners are determined from the current assessment roll, a notice to pay the graffiti abatement levy which notice shall be in substantially the following form:

NOTICE TO PAY GRAFFITI
ABATEMENT LEVY

In accordance with the provisions of Chapter 8.58 of the Long Beach Municipal Code, the Building Official has caused the graffiti upon _____

(legal)

AKA _____

(address)

to be removed at City expense.

You are hereby notified that the total cost of _____ is now due and payable to the City of Long Beach.

Section 8.58.120 of the Long Beach Municipal Code provides in part, that the property owner, tenant or any other interested person may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals and Condemnation on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and if the amount due is not otherwise collected, a lien for this amount, plus a fee for preparation of the lien and any civil penalty shall be attached on the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year (June 30) and transfer for collection to the City Treasurer becomes necessary.

8.58.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, tenant or any other interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board of Examiners, Appeals and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.58.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.58.070.

(Ord. C-6769 § 1 (part), 1990)

8.58.130 - Interest of charges.

If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and if the amount due is not otherwise collected, a lien against the real property, and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and if the amount due is not otherwise collected, a lien against the real property thirty (30) days after the notice of charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6769 § 1 (part), 1990)

8.58.140 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for graffiti abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6769 § 1 (part), 1990)

8.58.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for graffiti abatement and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6769 § 1 (part), 1990)

8.58.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for graffiti abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6769 § 1 (part), 1990)

8.58.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for graffiti abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6769 § 1 (part), 1990)

8.58.180 - Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.
- B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for graffiti abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. C-6769 § 1 (part), 1990)

8.58.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a "public nuisance", as defined in Section 8.58.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.58.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance.

(Ord. C-6769 § 1 (part), 1990)

8.58.200 - Civil penalty—City removal more than once.

If the Building Official finds that the City had previously removed graffiti from the same property after notice to the same owner, he shall assess a civil penalty based on the following schedule when graffiti is again removed by the City:

Civil penalty: For previous removal of graffiti by the City once within the preceding five (5) years - fifty percent (50%) of the City's total cost for removal including processing fees; for previous removal by the City two (2) or more times within the preceding five (5) years - one hundred percent (100%) of the City's total cost for removal including processing fees.

The City will give notice of this civil penalty to all property owners when graffiti abatement procedures are instituted against their properties.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation, as provided in Section 8.58.120.

The civil penalty constitutes a debt of the person charged to the City and is collectible by the City as an obligation or liability created by statute.

(Ord. C-6769 § 1 (part), 1990)

8.58.210 - Delegation of duties.

Whenever this Chapter designates duties to be performed by the "Building Official" or "Superintendent of Building and Safety", those same duties may be performed by the Director of Public Works when authorized by the City Manager.

(Ord. C-6769 § 1 (part), 1990)

CHAPTER 8.59 - LOT FENCING

8.59.010 - Purpose.

This Chapter is enacted pursuant to the City Charter and State law for the purpose, among others, of providing a system to keep all privately owned real property within the City subject to mandatory fencing in order to keep such real property free of weeds, debris, graffiti and other nuisances and providing a system for levy and collection to cover the cost of such fencing by the City including incurred enforcement costs.

(Ord. 05 0002 § 1, 2005)

8.59.020 - Definitions.

For the purpose of this Chapter, certain terms used shall have the meanings provided in this Section unless such meanings would be repugnant to the subject matter or the context in which used:

- A. "Board" means the Board of Examiners, Appeals and Condemnation.
- B. "Building Official" means the Building Official of the City of Long Beach or designee.
- C. "Fence" means any unobstructed fence composed of chainlink or other material, as determined suitable by the Building Official, of uniform height not less than six feet (6') high and not more than ten feet (10') high, as determined appropriate by the Building Official, complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked.
- D. "Graffiti" means any unauthorized inscription, word, figure or design which can be seen by any person using any public right-of-way and which is marked, etched, scratched, drawn or painted on any structural component of any building, structure, or other facility regardless of the nature of the material of that structural component.
- E. "Lot" means an unimproved lot, parcel, tract or piece of land in the City.
- F. "Lot fencing levy" means the charge made by the Building Official for erecting fencing around a lot plus all penalties for nonpayment of the charges which have accrued at the time. In the event the owner fails to comply within the time frame established by the Building Official or as modified on appeal by the board, the lot fencing levy shall also include all incidental enforcement costs incurred by the City whether or not the work was performed later by the City, by the owner, or by others, except as provided below. Incidental enforcement costs include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections.
- G. "Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable

of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(Ord. 05 0002 § 1, 2005)

8.59.030 - Nuisance.

The existence upon any lot of "weeds", "debris" and/or "graffiti", as defined in this Chapter, is expressly declared to be a public nuisance, and at the determination and direction of the Building Official it shall be the duty of both the owner of the lot and any person who may be in possession thereof or who has a right to such possession, to keep such lot fenced until the Building Official determines such fencing is no longer needed.

(Ord. 05 0002 § 1, 2005)

8.59.040 - Notice—Form.

Whenever the Building Official finds weeds, debris and/or graffiti on any lot and the Building Official determines that in order to effectively abate such nuisances, and prevent the recurrence of the same, the lot needs to be fenced, the Building Official shall cause a notice to fence premises to be given to the owner or owners of the lot as shown upon the current equalized assessment roll, in the manner provided in this Section. The notice shall be in substantially the following form:

NOTICE TO FENCE PREMISES

To _____, as owner of the hereinafter described premises:

Pursuant to the provisions of Chapter 8.59 of the Municipal Code of the City of Long Beach, you are hereby notified to erect an unobstructed fence composed of _____ of uniform height not less than _____ feet high and not more than _____ feet high complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked. The fence shall completely enclose that certain real property known as:

(Description of property)

AKA _____
(address)

A permit shall be obtained and the fence shall be erected within twenty (20) days from the date of this notice. If such fence is not erected within that time, the undersigned will cause it to be erected and the charges for erection, including all incidental enforcement costs incurred by the City, shall become a lien upon your property. Be advised that incidental enforcement costs will become a lien upon your property if the fence is not erected within twenty (20) days even if you perform the work later.

If you intend to erect a fence on your account, you are required, pursuant to the Long Beach Municipal Code, to obtain from the undersigned a certificate stating that your premises have been satisfactorily fenced; otherwise the undersigned will, if dissatisfied with the manner in which said work has been done, cause the premises to be refenced at your expense.

If you object to the fencing of your premises you may appeal to the Board by filing a written notice of appeal in the office of the undersigned within fifteen (15) calendar days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code. Further, if you elect not to appeal this action, said conduct shall be considered on your part a failure to exhaust administrative remedies.

Dated: _____

Superintendent of Building and Safety
City of Long Beach

(Ord. 05 0002 § 1, 2005)

8.59.050 - Notice—Service.

The notice to fence premises shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing the same in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by declaration of the person effecting the service.

(Ord. 05 0002 § 1, 2005)

8.59.060 - Appeal hearing—Service of notice.

- A. The Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.
- B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board.
- C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.
- D. "Owner", as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.
- E. The failure of any person to receive such notice shall not affect the validity of any proceedings under this Chapter.

(Ord. 05 0002 § 1, 2005)

8.59.070 - Appeal—Hearing—Procedure.

- A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed fencing of the premises. The hearing may be continued without further notice.
- B. Upon conclusion of the hearing, the Board shall determine whether the premises, or any part thereof, as maintained, constitute a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine if fencing would be appropriate to effectively abate the nuisance and any recurrence of the same and shall establish a time, not to exceed twenty (20) days, within which the erection of the fencing shall take place; and in the event the owner fails to erect the

fence within the time prescribed, the City shall cause the fence to be erected and the cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.

- C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be complete at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.
- D. No legal proceeding or action shall lie against the City or any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.

(Ord. 05 0002 § 1, 2005)

8.59.080 - Owner fencing notice.

Every owner served with a notice or order to fence premises, who upon his own account erects a fence around his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if the fencing is acceptable, the Building Official shall issue to the owner a certificate so stating. If the fencing is unacceptable, the Building Official shall cause the same to be reconstructed and the cost thereof shall be assessed against the lot as if no such notice was received from the owner.

(Ord. 05 0002 § 1, 2005)

8.59.090 - City fencing—Authorized.

If any owner served with a notice to fence premises fails to erect a fence around his lot within the time stated in the notice, or order of the Board after appeal, he shall be deemed to have consented to such erection by the Building Official who shall thereupon be authorized, and it shall be his duty to enter upon the lot and erect the fence thereon.

(Ord. 05 0002 § 1, 2005)

8.59.100 - City fencing levy computation.

The Building Official shall, after the erection of a fence on any lot, compute all expenses so incurred by the City in connection therewith including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs plus any prescribed penalties. All expenses shall be charged to and become an indebtedness of the owner of such premises.

(Ord. 05 0002 § 1, 2005)

8.59.110 - Lot fencing levy payment notice.

Upon computing the expenses, the Building Official shall serve upon the owners of all lots on which fencing was erected, as said owners are determined from the current assessment roll, and in the same manner as provided for service of the notice to fence premises, a notice to pay lot fencing levy (sometimes referred to in this Chapter as a notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY LOT
FENCING LEVY

In accordance with the provisions of Chapter 8.59 of the Long Beach Municipal Code, the Building Official has caused a fence to be erected enclosing the following real property: _____

(legal description)

AKA _____
(address)

The fence was erected either at City expense or the work was accomplished by that owner or others after the established deadline.

You are hereby notified that the total cost, including incidental enforcement costs and any prescribed penalties, in the amount of _____ are now due and payable to the City of Long Beach.

Section 8.59.120 of the Long Beach Municipal Code provides, in part, that the property owner or any interested person may demand a hearing within fifteen (15) days of this notice before the Board on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, and the name, address and interest of the appellant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for said amount, plus a fee for preparation of the lien, shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year and transfer of collection to the City Treasurer becomes necessary.

(Ord. 05 0002 § 1, 2005)

8.59.120 - Hearing on charges.

Within fifteen (15) days from the date of the notice to pay, the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.59.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.59.070.

(Ord. 05 0002 § 1, 2005)

8.59.130 - Interest on charges.

If the amount of the charges as determined by the Board has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and a lien against the real property and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and a lien against the real property shall be recorded thirty (30) days after the notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. 05 0002 § 1, 2005)

8.59.140 - Transfer for collection.

The Building Official shall certify a list of all delinquent charges for lot fencing or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date shall be set forth opposite the description by the City Treasurer.

(Ord. 05 0002 § 1, 2005)

8.59.150 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot fencing, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. 05 0002 § 1, 2005)

8.59.160 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot fencing, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. 05 0002 § 1, 2005)

8.59.170 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot fencing, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. 05 0002 § 1, 2005)

8.59.180 - Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.
- B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot fencing, correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.

(Ord. 05 0002 § 1, 2005)

8.59.190 - Interfering with enforcement prohibited.

No person as owner, lessee, or agent or person in possession of any property within the City shall allow a public nuisance, as defined in Section 8.59.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.59.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance or the fencing of the property.

(Ord. 05 0002 § 1, 2005)

CHAPTER 8.60 - SOLID WASTE, RECYCLING AND LITTER PREVENTION

FOOTNOTE(S):

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State Law reference— Provisions authorizing cities to contract for garbage and rubbish disposal and to prescribe terms for such services, Pub. Res. C. § 49300.

Note— Prior ordinance history: Ord. C-5320; Ord. C-5401; Ord. C-5444; Ord. C-5533.

8.60.010 - Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

- A. "Account" means any property owner or occupant of any dwelling unit, dwelling, building, premises, lot or parcel designated for City refuse collection and/or recycling services by the Director of Public Works.
- B. "Apartment" means each dwelling unit in a multiple-family dwelling containing three (3) or more dwelling units. Three (3) or more dwelling units constructed as separate buildings but located on a common lot or parcel shall be considered as apartments for the purpose of this Chapter.
- C. "Automated collection" means refuse collection service using a refuse receptacle (cart) which requires limited or no manual moving and no manual lifting by City personnel.
- D. "Building construction refuse" means waste material resulting from the construction, remodeling, repair and demolition operations on houses, commercial buildings, other structures, and any surrounding grounds.
- E. "Cart" means a refuse receptacle of one hundred one (101) gallons or less provided by the City for the automated or semi-automated collection of refuse.
- F. "City" means the City of Long Beach.
- G. "Commercial bin(s)" means refuse receptacles with a capacity greater than one hundred one (101) gallons that require minimal manual moving but no manual lifting, including the two (2) cubic yard bins currently specified for use by the Director of Public Works.
- H. "Commercial service" means refuse collection services provided by City crews for nonresidential or mixed use accounts.
- I. "Daily charge" means the daily cost to each classification of dwelling unit or commercial unit as prescribed by the rate schedule applicable to that service.
- J. "Director of Public Works" means the Director or such other person designated by the City Manager to direct refuse and recycling operations or their designee.
- K. "Duplex" means any dwelling containing only two (2) dwelling units. Two (2) dwelling units constructed as separate buildings located on a common lot or parcel shall be considered as duplex units for the purpose of this Chapter.
- L. "Dwelling" means any building, including one-family, two-family, and multiple-family dwellings, designed or used for residential occupancy by one (1) or more persons.

- M. "Dwelling unit" means one (1) or more rooms designed as a unit of occupancy as separate living quarters. No single dwelling unit may contain more than one (1) kitchen. Any self-contained area with more than one (1) room, an independent exterior exit, combined with a bathtub or shower and a sink shall also be considered a dwelling unit.
- N. "Improved alley" means a public or private way that is twenty feet (20') or less in width which is paved and which the Director of Public Works has determined may be safely negotiated by refuse/recycling collection vehicles.
- O. "Incidental refuse" means up to one (1) cubic foot of refuse which is deposited at a location other than the business, residence or premises where generated.
- P. "Litter receptacle" means any receptacle serviced by the City that is placed on public property for incidental refuse or refuse generated as part of the routine use of public facilities.
- Q. "Manual collection" means refuse collection service using a refuse receptacle which requires manual moving and manual lifting by City personnel.
- R. "Mixed use" means a building, structure or premises occupied by or used by two (2) or more principal types of use, including but not limited to residential and commercial uses.
- S. "Offal" means dead animals, parts of animals, animal byproducts and cooking grease.
- T. "Receptacle" means any container approved by the Director of Public Works for removing and conveying refuse or recyclable materials.
- U. "Recyclables" means materials designated by the Director of Public Works for source separation, collection and recycling pursuant to the California Integrated Waste Management Act of 1989 (AB 939).
- V. "Recycling bins" means any receptacle(s) provided by the City or an authorized agent for the source separation and collection of recyclable materials which are designated by the Director of Public Works.
- W. "Recycling service" means the collection, processing and marketing of materials designated by the City or its agent from accounts designated by the Director of Public Works.
- X. "Refuse" means all noninfectious and nonhazardous material accumulating or resulting from the use, pre-occupancy or occupancy of buildings, premises, dwellings, lots or parcels.
- Y. "Refuse not collected by the City" includes material not compatible with the City's Southeast Resource Recovery Facility (SERRF) operation and/or materials designated by the Director of Public Works. This includes but is not limited to: infectious waste, hazardous waste, noncombustible construction/demolition debris, large metal items, lead acid batteries, other noncombustible materials, materials from industrial and manufacturing processes, food processing wastes or large quantities of condemned food products, explosives, liquids, offal and any substances such that exposure to them may pose a threat to human health or the environment.
- Z. "Roll-out service" means the movement by City personnel or its agent of any refuse or recycling receptacle which is not immediately adjacent to public streets or alleys.
- AA. "Semi-automated collection" means refuse collection service using a cart which requires minimal manual moving but no manual lifting by City personnel.
- BB. "Single-family dwelling" means any dwelling containing only one (1) dwelling unit located on a single lot or parcel.
- CC.

"Source separation" means segregation and placement in separate recycling containers or marked bags, by the generator, of materials designated for separate or integrated collection for recycling.

- DD. "Street sweeping debris" means material collected by City street sweeping vehicles.
- EE. "Unimproved alley" means any public or private way which is twenty feet (20') or less in width and is not paved or which the Director of Public Works has determined cannot be safely negotiated by refuse or recycling collection vehicles.
- FF. "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Use also means the activity conducted on the land or in the building.
- GG. "Waste" means nonhazardous, noninfectious materials generated from the occupancy or pre-occupancy of a dwelling, commercial building lot or parcel including but not limited to organic and inert solid, semi-solid and liquid waste.
- HH. "Sufficient capacity" means able to contain all the refuse and recyclables in a manner which prevents such material from dropping on the ground, being blown from the container, or otherwise causing a nuisance.

(Ord. C-7601 § 23, 1999; Ord. C-7330 § 1, 1995; Ord. C-7057 § 1, 1992; C-5595 § 1 (part), 1980: prior code § 5220)

8.60.020 - Adequate receptacles or bins required.

- A. All property owners or occupants utilizing receptacles shall have the number of receptacles or bins with sufficient capacity necessary to contain their refuse and recyclables in compliance with City ordinances and the Health and Safety Code.
- B. It shall be the duty of every account to provide, maintain and use receptacles for refuse and recycling collection service in accordance with the type, quantity and conditions set forth in Sections 8.60.020 through 8.60.070 in the manner provided by this Chapter. The terms of Sections 8.60.020 through 8.60.070 shall not apply to any tenant occupying any real estate in the City, the owner of which provides and maintains, as prescribed in this Chapter, receptacles for holding refuse, or who provides and maintains, in accordance with the terms of this Chapter, a refuse/recycling collection service with a solid waste enterprise licensed and permitted to remove or convey waste within the City.
- C. Property owners or occupants utilizing plastic trash bags in accordance with Subsection 8.60.025.D shall store such bags, when in use and when filled, in a sanitary manner so as to minimize odor and vector problems.
- D. City-serviced accounts will be advised in writing by the Director of Public Works to increase their levels of service by obtaining additional receptacles or arranging for more frequent collection. If the Director of Public Works determines that overflowing or otherwise non-contained refuse continues to create a nuisance or a threat to public health or safety after written notification to the account, or to the property owner and occupant, the Director shall either provide sufficient containers and collection and bill the account in accord with the schedule of fees adopted by the City Council, or refer the matter to the appropriate City department for further action.
- E. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection and recycling services shall only use refuse carts and recycling bins obtained from the City. Carts and recycling bins shall be provided and repaired or replaced by the City. Carts, recycling bins and their components so furnished shall remain the property of the City.
- F.

Account holders as shown in the City's utility billing records shall have the option of requesting additional carts or recycling bins or exchanging the carts for a different size based on available City inventory. Carts shall not be exchanged more than once every six (6) months. Exchange fees shall be established in accordance with Section 8.60.190

- G. Each refuse transportation permit holder shall be responsible to comply with each requirement set forth in Subsections 8.60.020.A through 8.60.020.C of this Section for each account or property it services within the City. Failure to comply with these requirements shall be a violation of the terms and conditions of the refuse transportation permit as set forth in Section 8.60.088

(Ord. C-7601 § 2, 1999; Ord. C-7057 § 2, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.1(a))

8.60.025 - Receptacles—Specifications.

All refuse and recycling receptacles utilized within the City for removing and conveying waste shall be acceptable to the Director of Public Works and shall conform to the following specifications:

- A. City-serviced accounts designated by the Director of Public Works for automated or semi-automated collection and/or recycling services shall:
 - 1. Only use carts and recycling bins provided by the City or its agent;
 - 2. Fill each cart so that its weight when loaded does not exceed two hundred fifty (250) pounds and so that the lid is fully closed when placed for collection.
- B. City-serviced accounts designated by the Director of Public Works for commercial service shall:
 - 1. Utilize carts provided by the City or provide, utilize and maintain commercial bins that meet specifications set by the Director of Public Works. For the purposes of this Chapter, the volume of a standard two cubic yard commercial bin shall be equal to five (5) one hundred (100) gallon carts;
 - 2. Utilize structurally sound, watertight receptacles;
 - 3. Have four (4) operative wheels that allow for a one-person movement of the receptacle when loaded;
 - 4. Have sufficient drainage or a plug utilized for drainage;
 - 5. Utilize a plastic lid that prevents contents from escaping if placed in service after January 1, 1993;
 - 6. Plainly and visibly display the service location address on each commercial receptacle. Characters shall be at least four inches (4") high;
 - 7. Plainly and visibly display signage banning the illegal disposal of hazardous, infectious and liquid waste;
 - 8. Utilize containers that weigh not more than one thousand two hundred fifty (1,250) pounds when loaded;
 - 9. Stow refuse in a manner that will prevent refuse escaping therefrom;
 - 10. Stow refuse in a manner that rain will not increase a receptacle's weight beyond capacity;
 - 11. Clean the inside and outside of receptacles as necessary to maintain sanitary conditions and keep receptacles free of graffiti.
- C. City-serviced accounts designated by the Director of Public Works for manual collection shall:
 - 1. Utilize receptacles made of waterproof material, the interior of which shall be smooth with no projections;
 - 2.

Have a diameter not less than eighteen inches (18") nor greater than twenty-four inches (24"), the top diameter of which shall in no case be less than any diameter below the top with nothing attached to the exterior other than acceptable handles;

3. Utilize a removable waterproof cover or lid to prevent rain from increasing a receptacle's loaded weight beyond capacity;
 4. Stow refuse in a manner that prevents contents escaping therefrom;
 5. Utilize receptacles that have a capacity not less than thirty (30) nor more than fifty (50) gallons, weighing not more than twenty (20) pounds when empty nor more than sixty (60) pounds when loaded.
- D. Heavy-duty double-strength plastic bags are acceptable with the following restrictions:
1. Bags shall be securely tied;
 2. Bags shall not contain sharp objects such as branches, sticks, glass, etc., which may cause the bag to puncture or cause injury to collection personnel;
 3. Bags shall not contain refuse weighing more than twenty-five (25) pounds;
 4. Property owners or occupants with manual collection are required to utilize a minimum of one (1) standard refuse receptacle per account specified under Subsection 8.60.025.C of this Section to hold refuse not acceptable in plastic bags;
 5. Property owners or occupants shall be responsible for the condition of all plastic bags used and the materials contained therein until the bag(s) and contents have been conveyed by the City or private refuse crews;
 6. Property owners or occupants with automated/semi-automated and commercial bin collection service shall place all plastic bags inside the cart(s) or commercial bin(s).
- E. All waste receptacles must have watertight lids to prevent the breeding of vectors and to contain debris and litter. Such lid shall remain closed and fit tightly over the receptacle at all times and shall be easily and quickly opened but the same shall not be opened except when necessary to place refuse in such receptacle or to remove refuse therefrom.
- F. Receptacles that do not comply with the specifications and requirements as stipulated in the above Subsections shall be noticed and will be considered as refuse and removed as refuse if they do not comply by the next regular collection day. Receptacles and their contents so removed shall be subject to special service fees pursuant to Section 8.60.190
- G. Solid waste enterprises, recyclers and any contractor collecting, removing or conveying waste shall comply with the requirements of Subsections 8.60.025.A through 8.60.025.E according to the type of service they provide. In addition to these requirements and those set forth in Section 8.60.087, solid waste enterprises, recyclers and any contractor collecting, removing or conveying waste shall:
1. Plainly and visibly display the name and operational phone number of the business providing service on all receptacles. Characters are to be at least four inches (4") high;
 2. Plainly and visibly display signage banning the stowing of hazardous, infectious and liquid waste on the receptacle(s);
 3. Keep waste receptacles graffiti-free at all times;
 4. Utilize receptacles approved by the Director of Public Works.

8.60.030 - City receptacles—Additional requirements.

- A. Property owners or occupants provided with refuse and/or recycling receptacles by the City shall:
1. Not paint, mark or deface the receptacles in any way;
 2. Report damaged, lost or stolen receptacles to the Department of Public Works within seventy-two (72) hours of notice of occurrence;
 3. Be charged for the repair or replacement of receptacles if damaged, lost or stolen because of property owner or occupant negligence. A replacement fee will be charged to the account according to Section 8.60.190
 4. Clean the inside and outside of the receptacle(s) as necessary to maintain sanitary conditions and keep receptacle(s) free from graffiti;
 5. Mark the street address of the account serviced on all receptacles supplied by the City within the space provided.

(Ord. C-7601 § 4, 1999; Ord. C-7057 § 20, 1992)

8.60.040 - Green waste.

- A. Property owners or occupants with automated or semi-automated and commercial collection service shall place all tree limbs, shrubs, trimmings, grass clippings and other items of a similar nature inside the receptacle in such a manner that items do not protrude from the receptacle.
- B. Property owners or occupants in areas designated by the Director of Public Works for manual collection shall tie all tree limbs, shrubs, trimmings and other green waste of a similar nature in compact bundles for disposal. Such bundles shall not exceed four feet (4') in length nor forty (40) pounds in weight and need not be placed in a container.

(Ord. C-7601 § 5, 1999; Ord. C-7057 § 4, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.1(c))

8.60.050 - Waste requiring special handling.

- A. Material likely to become airborne upon disposal shall be securely wrapped. This includes, but is not limited to: ashes or dust from vacuum cleaners, barbecues, fireplaces, litter boxes, sawdust and garbage.
- B. Accounts requiring special pickup service for bulky items which require special handling such as tires, large appliances and furniture shall contact the Department of Public Works refuse collection service to arrange for pickup prior to placing such items out for collection. Charges for such service shall be implemented and collectable pursuant to Sections 8.60.190 and 8.60.200 of this Municipal Code.
- C. No material other than Municipal solid waste shall be placed in any refuse receptacle within the City. The Director of Public Works is authorized to place additional limits on types and quantities of waste which may be placed in City-serviced refuse receptacles when the Director determines that such a restriction is necessary to protect the health and safety of City employees or the general public, or to comply with State or Federal laws or regulations.
- D. Refuse not collected by the City shall be removed, conveyed and properly disposed of at a properly licensed disposal site by a solid waste enterprise licensed and permitted to remove or convey such materials in the City, pursuant to all applicable laws and regulations and the provisions of this Chapter.

(Ord. C-7601 § 6, 1999; Ord. C-7057 § 5, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.1(d))

8.60.060 - Placement of refuse and recycling receptacles for collection.

Property owners or occupants with automated or semi-automated and commercial collection shall place all refuse in the carts provided by the City or commercial bins approved by the Director of Public Works. Each refuse and recycling receptacle shall be placed for collection in the following manner unless directed otherwise by the Director of Public Works:

- A. For automated collection, where there is no alley or unimproved alley, carts shall be placed in front of the premises where generated, in the gutter with wheels against the curb and the arrow on the receptacle lid facing into the street.
- B. For semi-automated collection, where there is an improved alley designated for alley collection, carts shall be placed for collection on a hard, level surface, on the premises where generated, immediately adjacent to the alley.
- C. For manual collection (with approved receptacles as provided in Sections 8.60.030 through 8.60.050):
 - 1. Where there is no alley or unimproved alley, receptacles and bundles shall be placed on the curb or parkway in front of the premises where generated;
 - 2. Where there is an improved alley that is designated for alley collection, receptacles and bundles shall be placed for collection on the premises where generated, immediately adjacent to the alley.
- D. The following additional requirements shall apply to commercial refuse service:
 - 1. Commercial and business enterprises, offices, office buildings, government facilities, churches, schools, or dwellings with over four (4) dwelling units that have a storage area meeting Building Code requirements may use a commercial bin for refuse collection service;
 - 2. Accounts using a commercial bin for City refuse collection service shall place the bin immediately adjacent to the improved alley or at the curb in front of the premises accessible to City crews as approved by the Director of Public Works and in compliance with Section 8.60.070
 - 3. Commercial bins placed in an improved alley shall be placed on a hard level surface;
 - 4. Commercial bins placed at the curb or parkway shall be placed in the gutter with the spindles (lifting arms) against the curb;
 - 5. Carts shall be used in lieu of commercial bins where designated by the Director of Public Works;
 - 6. Persons utilizing City commercial refuse service shall place for collection only the total number of bins and/or carts previously established for the account;
 - 7. The City shall retain the right to place a sticker on all commercial bins and carts used for City collection to show authorized day(s) of service and container capacity.
- E. Residential recycling program service:
 - 1. Recycling bins shall be placed for collection in the same location and on the same dates and times as for refuse receptacles, unless otherwise specified by the Director of Public Works.
 - 2. Recyclable materials shall be stored in recycling bins in such a manner as to minimize vector control problems.
- F. Carts, commercial bins, and manual refuse receptacles shall not have any obstructions in front or within two feet (2') of sides and top of receptacles. Two feet (2') of space shall be maintained between carts. Recycling containers shall be placed together at least two feet (2') from all carts

and bins.

- G. The Director of Public Works or designee may specify other locations for the placement of receptacles where such placement will expedite collection or enhance the safety of collection operation, or benefit the public health and safety.

(Ord. C-7601 § 7, 1999; Ord. C-7057 § 6, 1992; Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(e))

8.60.070 - Time of placement for collection.

Each receptacle or bundle shall be placed for collection not earlier than the evening preceding, nor later than six a.m. on the day of regular collection. Receptacles placed at the curb shall be removed within twelve (12) hours after the refuse has been collected.

(Ord. C-5595 § 1 (part), 1980: prior code § 5220.1(f))

8.60.080 - Refuse transportation permit—Required.

- A. Any person who intends to remove or convey any nonhazardous, noninfectious refuse for hire within the City shall first apply for and receive a permit in writing from the Director of Public Works in accordance with the applicable provisions of this Chapter 8.60
- B. There shall be two (2) classes of refuse transportation permits:
1. Recycling Permit: For the removing or conveying of nonhazardous, noninfectious source separated materials, with less than ten percent (10%) nonrecyclable waste, as a part of the recovery/recycling process; and
 2. General permit: For the removing or conveying of all other nonhazardous, noninfectious solid waste not subject to either of the first two (2) classes of permits.
- C. The provisions of this Section shall not apply to:
1. Any person employed by the City; and
 2. Persons performing work requiring a permit pursuant to this Chapter, under contract to provide service for a program funded from the general fund of the City, which persons shall be exempt from any fee otherwise required pursuant to Section 8.60.082 but shall otherwise comply with all requirements applicable to refuse transportation. A written exemption shall be requested and received in advance from the Director of Public Works.

(Ord. C-7330 § 3, 1995; Ord. C-7223 § 1, 1994; Ord. C-6975 §§ 1, 2, 1992; Ord. C-6922 § 1, 1991; Ord. C-5595 § 1 (part), 1980: prior code § 5220.2)

8.60.081 - Insurance.

The applicant for a refuse transportation permit shall provide, at the time of application for the permit, and shall maintain throughout the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040. The permit shall not be effective until the City has received proof of such insurance.

(Ord. C-7934 § 15, 2004; Ord. C-7601 § 8, 1999; Ord. C-6975 § 6, 1992)

8.60.082 - Refuse transportation permit—Application and renewal.

- A. An application for a refuse transportation permit shall be submitted to the Director of Public Works or designee on a form to be furnished by the Department of Public Works and shall be accompanied by a nonrefundable application fee as determined by the City Council. The applicant shall furnish all information reasonably required by the Director to enable the Director to act on the application which information may include, but need not be limited to:

1. The name, address and telephone number of the applicant, including all names of the business entities involved;
 2. The names, addresses and telephone numbers of all of applicant's subcontractors operating under the permit, if any;
 3. The number of vehicles and corresponding vehicle registration and license plate numbers for all vehicles to be operated by the applicant within the City;
 4. A copy of the applicant's business license and all other applicable licenses or permits;
 5. Proof of insurance furnished or to be furnished pursuant to Section 8.60.081
 6. Such other information as may be reasonably required by the City.
- B. The application shall be reviewed and processed in accordance with procedures established from time to time by the Director of Public Works. A permit may be denied for failure to comply with any of the provisions of this Chapter.
- C. The City Council may establish an annual refuse transportation fee by resolution in an amount sufficient to reimburse the City for the actual costs of administering the refuse transportation permit program.

(Ord. C-7601 § 9, 1999; Ord. C-7057 § 7, 1992; Ord. C-6975 § 3, 1992; Ord. C-6922 § 3, 1991)

8.60.084 - Permit issuance and term.

- A. After determining that an applicant for a refuse transportation permit is fully compliant with the provisions of this Chapter and all other applicable provisions of law, the Director of Public Works shall issue the appropriate refuse transportation permit. Such permit may contain additional administrative provisions as deemed necessary by the Director of Public Works to carry out his duties under this Chapter.
- B. The initial permit so issued shall expire at midnight (12:00 a.m.) of June 30 next following initial issuance.
- C. Thereafter, the term of the permit shall be for one (1) year, provided that the Director shall grant annual renewal if the permittee demonstrates that it is in full compliance with all applicable laws and regulations, including, but not limited to the provisions of this Chapter.

(Ord. C-7601 § 10, 1999; Ord. C-6922 § 4, 1991)

8.60.085 - Display of permits—Identification of vehicles and receptacles.

- A. The Director of Public Works shall issue a permit and a decal or decals to each permittee.
- B. A legible copy of the refuse transportation permit, along with a legible copy of the business license, and all other applicable permits and licenses, shall be kept in each vehicle of the permittee and be made available for inspection immediately upon request by any authorized representative of the City.
- C. Every person using a vehicle to remove or convey waste shall display a decal in a manner so as to be plainly visible and permanently affixed in the lower right-hand corner (passenger side) of the front windshield of each vehicle operated within the City by the permittee.
- D. Each permittee shall place and maintain on each vehicle and receptacle used for collecting or transporting refuse or recyclables the permittee's name and operational phone number. Such information shall be plainly visible using lettering not less than four inches (4") in height.

(Ord. C-7601 § 24, 1999)

8.60.086 - Reporting requirements.

- A. Monthly reporting. Every holder of any class of refuse transportation permit shall maintain a written record and make a monthly report to the Director of Public Works of refuse and recyclables purchased, received or collected. The report and applicable fees shall be delivered to the City no later than ninety (90) days after the first of the month for which collection service was provided, and shall contain all information reasonably required by the Director of Public Works to determine compliance with the Municipal Code and with the Integrated Waste Management Act of 1989 (commonly known as "A.B. 939"), as it may be amended from time to time and to verify the permittee's calculation of fees owed by permittee.
- B. Annual recycling report. Every holder of any class of refuse transportation permit shall, not later than the first business day of April, submit an annual report for the previous calendar year. The City Council may establish a schedule of fees to be submitted with such reports, based on rates of waste diversion, by resolution.
- C. The Director of Public Works or designee may audit, during normal business hours of the permittee being audited, any and all records of a permittee reasonably necessary to enable the Director to determine the accuracy of the reports furnished pursuant to Subsections 8.60.086.A or 8.60.086.B of this Section and compliance with this Chapter.

(Ord. C-7601 § 11, 1999; Ord. C-6922 § 5, 1991)

8.60.087 - Operating requirements for permittees.

- A. Each permittee shall:
 - 1. Provide waste receptacles or bins of sufficient capacity and quantity so as to contain all refuse generated by an account;
 - 2. Be responsible for the collection and disposal of overflow refuse around receptacles. Following the collection of refuse or the emptying of waste receptacles, the area where the refuse was placed for collection shall be left free of refuse, litter, liquid waste and other debris;
 - 3. Provide bulky item collection service for each account. The permittee is responsible for the removal and proper disposal of all bulky items placed for collection for each account it services. The permittees shall remove such items within forty-eight (48) hours of servicing an account or receiving a request for collection from the account or from the City. Each permittee shall maintain a log of such requests for bulky item collection and make such log available for inspection by the Director of Public Works;
 - 4. Comply with monthly and annual reporting requirements as established by the Director of Public Works;
 - 5. Provide a recycling program as set forth in Section 8.60.087.5
 - 6. Execute and maintain in effect a commercial franchise agreement with the City, as a permit condition, for the use of streets, highways or roads in the City of Long Beach for the conduct of its business activity. The City hereby grants a solid waste hauling franchise to any solid waste enterprise upon the issuance to it of a permit issued pursuant to Section 8.60.80 of this Chapter. The term of the franchise shall run concurrently with the term of the permit and shall end upon termination of the permit. The valid possession of such a permit shall be deemed to make a solid waste enterprise a franchisee under this Section; and
 - 7. Pay a franchise fee, known as the "refuse hauler business fee", in an amount established by the City Council by resolution.

B.

The failure of any permittee to comply with the requirements of Subsections 8.60.087A.1. through 8.60.087A.3., shall subject the permittee to a service charge equivalent to the City's costs of providing such services, including all administrative costs, as determined by the City Council by resolution. The failure of any permittee to comply with any requirement of Subsection 8.60.087.A. may also result in the suspension or revocation of the refuse transportation permit.

- C. All permittees providing solid waste collection services shall comply with the Americans With Disabilities Act (42 U.S.C. 12101 et seq.), as it may be amended from time to time.
- D. Nothing in this Section shall excuse compliance with any other Municipal Code section, nor any other applicable law or regulation.

(ORD-09-0033, § 1, 2009; Ord. C-7601 § 12, 1999; Ord. C-7057 § 8, 1992; Ord. C-6975 § 4, 1992; Ord. C-6922 § 6, 1991)

8.60.087.5 - Recycling program—Fee.

Each permittee shall implement a recycling program approved by the Director of Public Works.

(ORD-09-0033, § 2, 2009; Ord. C-7601 § 25, 1999)

8.60.088 - Suspension or revocation of permits—Cause.

No person shall remove or convey any refuse for hire within the City after a permit for such activity has been revoked or during the time such a permit has been suspended. Grounds for suspension or revocation of a permit shall include, but are not limited to the following:

- A. Failure to comply with any of the provisions of this Chapter.
- B. Failure to pay in a timely manner any fees imposed by the City.
- C. Failure to accurately report under, or comply with any lawful order issued pursuant to California Public Resources Code § 41821.
- D. Intentional misstatement of tonnage and origins of refuse collected or transported.
- E. Conviction of any violation of any State or federal law in any way related to the collection, transportation or disposal of any waste.

(Ord. C-7601 § 13, 1999; Ord. C-7330 § 4, 1995; Ord. C-6922 § 7, 1991)

8.60.089 - Illegal haulers, default and impoundment.

- A. Failure to acquire and maintain a valid permit shall constitute default and provide the City cause to initiate default proceedings as described in this Section.
- B. The City shall notify any person failing to comply with all requirements of this Chapter, in writing, of any default or violation, and shall specify in the notice the date and time by which operations must cease. If the person or permittee fails or refuses to comply, the City shall have the right to remove the bin or box or other refuse receptacle or hauling vehicle without further notice. The person or permittee shall reimburse the City for any expense incurred by the City in removing the receptacle or hauling vehicle, including but not limited to costs of removal and storage. After thirty (30) days the City shall sell, recycle or otherwise dispose of property as stipulated in Section 14.06.140 of this Code. Should the permittee or person continue to operate after permit termination or notification and should the City file suit to restrain the operation, the permittee or person shall reimburse the City for its reasonable costs and expenses in connection therewith, including reasonable Attorney's fees.
- C. Each subsequent incident of violation described in Subsection 8.60.089.A, shall be subject to an administrative fee as determined by the City Council by resolution in addition to any other costs set forth in Subsection 8.60.089.B when removing or conveying waste within the City or when reported

dumping waste from within the City to any disposal site.

(ORD-10-0014, § 14, 2010; Ord. C-7601 § 14, 1999; Ord. C-7330 § 5, 1995; Ord. C-6975 § 5, 1992; Ord. C-6922 § 8, 1991)

8.60.090 - Procedure for permit suspension or revocation.

The suspension or revocation of a permit shall be governed by the provisions of Section 5.06.020.

(Ord. C-7601 § 15, 1999; Ord. C-6922 § 2, 1991; Ord. C-5595 § 1 (part), 1980; prior code § 5220.3)

8.60.091 - Transferability of refuse transportation permits.

- A. Upon sale and purchase of a permitted entity, including the obtaining of a majority ownership of corporate stock, a refuse transportation permit shall be transferable with the written consent of the Director of Public Works. The Director of Public Works shall not unreasonably withhold consent to the transfer of a refuse transportation permit where the applicant demonstrates that the transfer is in full compliance with the provisions of this Chapter and other laws, ordinances, rules or regulations generally applicable to private waste collectors authorized to operate within the City and the transferee complies with all provisions of this Chapter required of an applicant for a new permit. An application for the transfer of a refuse transportation permit shall be submitted in accordance with the requirements of Subsections 8.60.082.A and 8.60.082.B. A nonrefundable fee for applying for the transfer of a refuse transportation permit shall be imposed as determined by the City Council by resolution to reimburse the City for the actual costs of processing the application and transferring the refuse transportation permit. A transferred permit shall expire at midnight of the June 30th next following the date of transfer, and shall thereafter be subject to annual renewal pursuant to Subsection 8.60.084.C for a period of one (1) year at a time.
- B. Any person or business entity requesting a transfer shall pay all so-called AB 939 fees, including fines and penalties and report tonnage of all waste removed or conveyed since the adoption of the ordinance and/or resolutions on August 1991 governing the AB 939 program for both the transferred and the acquired company(ies). Failure to comply with this Section shall constitute grounds for suspension or revocation of an existing permit and/or denial of transfer.

(ORD-10-0014, § 15, 2010; Ord. C-7330 § 6, 1995)

8.60.093 - Number of general transportation permits.

- A. The Director of Public Works shall not issue, nor need applications be accepted for, more than forty (40) general refuse transportation permits as provided in Subsection 8.60.080.B.2. in any calendar year.
- B. If the number of such current and valid permits falls to or below thirty-five (35), the Director shall accept applications for the issuance of additional permits, which in no event shall cause the total number of outstanding permits to exceed forty (40). Should the number of qualified applications cause the number to exceed forty (40), then the Director shall determine the number of permits to be issued to qualified applicants by lot as determined by him/her to be appropriate. Each application submitted pursuant to this Section 8.60.093, shall be accompanied by an application fee as determined by the City Council by resolution which is imposed to cover the costs to the City of so-called AB 939 planning, determination of legal compliance and application processing. Except for a retained amount as determined by the City Council by resolution, the fee shall be returned to any applicants found ineligible for issuance of a permit.
- C. Any junk collectors, junk dealers or any persons or party removing or conveying less than nine hundred (900) tons of refuse annually and holding a valid permit to do so on June 30, 1995, may continue to do so, subject to annual renewal as required by law, regardless of the numerical limit

established by Subsection 8.60.093.A. Any new permits for such services applied for on or after July 1, 1995, shall be subject to the limits.

- D. The Director of Public Works shall, on or after January 1, 1997, and biennially thereafter, review the adequacy of the maximum number of refuse transportation permits provided in this Section in meeting Long Beach refuse disposal needs and shall report his/her findings to the City Council together with his/her recommendation, if any, for a change in that number.

(ORD-10-0014, § 16, 2010; Ord. C-7330 § 7, 1995)

8.60.100 - Vehicles conveying refuse.

- A. Any person removing or conveying any refuse on any public street or other public place in the City shall utilize tight vessels, tanks, receptacles or truck-mounted bodies, each of which shall be so covered as to prevent contents escaping therefrom. Such cover shall be of a type satisfactory to the Director of Public Works.
- B. Vehicles used for the removal of refuse, manure and other potentially offensive substances shall be maintained in a clean and sanitary manner so as to minimize odor and vector problems. Such vehicles must be provided with metal lining or metal receptacles, must be strong and tight and must be kept covered except while such material is being deposited in or removed therefrom. No such vehicle shall be stored in a residential area.

(Ord. C-7601 § 16, 1999; Ord. C-7057 § 9, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.4)

8.60.110 - Refuse falling in street.

No receptacle shall be filled to exceed capacity. Receptacles exceeding capacity shall be noticed and not collected. If any refuse is dropped or spilled on the City right-of-way from trash picking, scavenging, overflowing containers, or animal scavenging, it shall be the responsibility of the property owner or occupant to clean up and properly dispose of the refuse.

(Ord. C-7601 § 17, 1999; Ord. C-7057 § 10, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.5)

8.60.111 - Throwing rubbish and refuse on public right-of-way or storm drain system prohibited.

No person shall put, place, sweep, throw, brush or in any other manner deposit any refuse, litter, vegetation, or any other waste in or on any public right-of-way or any portion of the storm drain system, including, but not limited to, streets, gutters, sidewalks, parkways and alleys. This Section shall not be construed to prohibit the placing of any required rubbish containers upon any sidewalk, street or alley in compliance with the provisions of the sections governing the collection of waste or rubbish.

(Ord. C-7601 § 18, 1999; Ord. C-7330 § 8, 1995)

8.60.113 - Illegal dumping in street sweeping roll-off containers prohibited.

No person shall dispose of refuse of any kind, including, but not limited to, infectious waste, hazardous waste, construction or demolition debris, large items, materials from industrial and manufacturing processes, food processing wastes, explosives, liquids, offal and any substances such that exposure to them may pose a threat to human health or the environment, into the roll-off containers for street sweeping debris.

(Ord. C-7601 § 19, 1999; Ord. C-7330 § 9, 1995)

8.60.120 - Illegal dumping prohibited—Permit revocation.

- A. No person shall transfer the financial liability for refuse disposal by depositing waste of any kind upon any public street, other public place or private parcel, lot, premises, litter receptacle or refuse receptacle thereon.
- B. No person shall deposit waste of any kind in the receptacle of, or on the premises of a business, residence or lot, which was not generated on those premises without first obtaining a written permit from the property owner or occupant who is liable for the refuse collection fees. For those accounts serviced by City refuse collection crews, a written permit shall also be obtained from the Director of Public Works prior to depositing any waste on a lot or in the City-serviced receptacle of any business, residence or premises where the waste was not generated.
- C. Litter receptacles are placed on public property for incidental litter and refuse generated while using public facilities. No person shall dispose of refuse, other than individual litter, that was not generated from the uses of that public facility by depositing it in litter receptacles.
- D. Violation of this Section by the holder of any permit granted pursuant to the provisions of this Chapter shall be grounds for the revocation of such permit by the City.

(Ord. C-7601 § 20, 1999; Ord. C-7057 § 11, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.6)

8.60.130 - Removal of waste from receptacles.

When any waste receptacle is placed upon any premises as provided in this Chapter, only the owner, or agent carrying a current license and permit with the City and all other applicable permits and licenses, or authorized employee or agent of the City shall move, remove or tamper with such receptacle, or remove any refuse or recyclable material from any such receptacle.

(Ord. C-7601 § 21, 1999; Ord. C-7057 § 12, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.7)

8.60.140 - Collection charges.

- A. The City shall provide for the collection and removal of refuse materials from all property in the City at regular intervals to be prescribed by the Director of Public Works. A charge is imposed upon every property owner or occupant of property in the City not expressly exempted therefrom in this Chapter for such classes of service. Unless exempted, the charge shall always apply if the property is receiving either water or gas service and pursuant to Section 8.60.240 a written exemption has not been requested and received in advance from the Director of Public Works.
- B. The City shall provide for the collection, marketing and processing of recyclable materials stipulated in Sections 8.60.010 through 8.60.070 from all accounts designated by the Director of Public Works. A residential recycling program charge shall be imposed upon every property owner or occupant of each dwelling unit of a lot or parcel if the property is receiving City refuse service and the property is not expressly exempted therefrom in this Chapter.
- C. Rates for refuse collection, recycling services, late fees and penalties shall be as established by the City Council by resolution.
- D. Current rate information is available upon request from the office of the City Clerk, the Director of Public Works, the Commercial Services Bureau, or by mail addressed to the Commercial Services Bureau, P.O. Box 630, Long Beach, CA 90842-0001.

(Ord. C-7057 § 13, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.8(a))

8.60.150 - Billing—Period.

- A. Regular bills for service shall be rendered at intervals prescribed by the City. Insofar as it is practicable, accounts shall be scheduled at regular intervals for the preparation of regular bills, and accounts shall be scheduled as required for the preparation of opening, closing and special bills.
- B. The customer's bill shall be calculated on the basis of the number of days in the billing period times the daily charge in accordance with the rate schedule applicable to that service.

(Ord. C-7057 § 14, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.8(b))

8.60.160 - Mixed permanent and transient occupancy.

Apartment hotels and other hostelries of a like nature which provide both apartments and transient room accommodations may be charged either on the basis of volume of refuse collected per week or on the basis of the number of apartment dwelling units, but in no event shall the charge be less than the daily unit charge set forth in the applicable refuse rate schedule. The charging method to be used in each specific instance shall be determined by the Director of Public Works.

(Ord. C-5595 § 1 (part), 1980; prior code § 5220.8(c))

8.60.180 - Determination of volume.

Refuse collection service charges established on volume shall be determined on the basis of average quantities collected. The Director of Public Works shall cause such quantities to be periodically reviewed, and upon the basis of his findings the daily charge shall be adjusted to maintain conformance with the volume of refuse being collected; excepting that the daily charge shall not be adjusted in relation to temporary variations of refuse due to seasonal factors where such variations from the average do not extend beyond a two (2) month period.

(Ord. C-5595 § 1 (part), 1980; prior code § 5220.8(e))

8.60.190 - Special service.

- A. The Director of Public Works may provide for the removal and disposal of refuse and/or recyclable materials from any place or premises at times in addition to or beyond the regular collection service schedule or in a manner different from routine collection practice and procedures. Any special service shall be established by the Director of Public Works. Charges for such special services, including cart repair, exchange and replacement, special refuse, rollout service and, additional unscheduled collection shall be established from time to time by the Director of Public Works.
- B. The charge for a special service shall be billed for collection separately from the routine service charge collections by the manager of the Commercial Services Bureau to the property owner or firm who shall be liable to the City for payment.
- C. Upon failure to pay any such special service fee when due, an action may be brought to collect the same, pursuant to Section 8.60.200 of the Municipal Code.

(Ord. C-7057 § 15, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.8(f))

8.60.200 - Billing—Liability for payment.

All occupants of property, unless expressly excepted in this Chapter shall be liable for payment of refuse collection service, recycling service and special services as prescribed in Sections 8.60.140 and 8.60.190. Such charge shall be billed by inclusion with municipal utility bills where practicable. In instances of property containing more than one (1) dwelling unit or place of business, or both, which are served by single utility meters for both gas and water service, or in other instances where direct billing to occupants is not possible or practical, the service charges may be billed to the property owner, who may collect such charges from the occupants of the dwelling units or places of business located on the property of the

owner. In the event the property owner fails to collect the service charges from any such occupant or remit same to the City, the property owner shall be liable to the City for payment of the charges. Refuse collection and recycling service charges shall be a debt owing to the City from the occupant of the premises receiving the service, or from the property owner if billed thereto. Upon failure to pay any such charges when the utility bill with which the charges are included is due, an action may be brought in a court of proper jurisdiction to collect the same and may become a lien upon the property. The property owner and/or occupant shall reimburse the City for its costs and expenses in connection therewith, including reasonable Attorney's fees. Refuse or recycling collection service may be discontinued or refused to any premises at which the customer has not paid the utility bill in full within the prescribed time, unless said utility bill is formally disputed for refuse collection charges.

(Ord. C-7057 § 16, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.9(a))

8.60.210 - Billing—Rental property.

When billed to the property owner, the refuse collection service charges shall be based upon full occupancy of all rental units upon the property during the period covered by the bill.

(Ord. C-5595 § 1 (part), 1980; prior code § 5220.9(b))

8.60.220 - Billing—Establishment of procedures.

The Director of Public Works is authorized to determine and establish such rules, procedures and methods as may be necessary or desirable to the implementation of Sections 8.60.200 through 8.60.230, and so as to provide for circumstances or situations for which no specific provision is included in Sections 8.60.200 through 8.60.230, and shall determine the interval for billing of such refuse collection service charges; provided that such billings shall not be less frequent than every four (4) months.

(Ord. C-5595 § 1 (part), 1980; prior code § 5220.9(c))

8.60.230 - Administration.

Commercial activities for the Department of Public Works are performed by the Commercial Services Bureau of the Department of Financial Management, and regulations contained in this Chapter shall be implemented and applied by procedures established by the Manager of Commercial Service, subject to the approval of the Director of Public Works.

(Ord. C-7057 § 17, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.9(d))

8.60.240 - Municipal refuse services use required—Exceptions.

- A. Property owners and occupants within the City shall utilize the municipal refuse collection and recycling service and shall be obligated to make payment to the City for such service in accordance with provisions of Sections 8.60.140 through 8.60.190 excepting that:
1. Property owners or occupants may utilize the service of a licensed and permitted solid waste enterprise for collection, removal and disposal of "refuse not collected by the City", as defined in this Chapter.
 2. Property owners or occupants which generate in excess of ten (10), one hundred (100) gallon containers of refuse and recyclables per week, and any number of contiguous properties or rental units under common ownership by an individual business, firm, or private or public corporation which is designated as one (1) account and jointly generates in excess of thirty (30), one hundred (100) gallon containers of refuse and recyclables per week, may request an exemption from the Director of Public Works. Having received such an exemption in writing, the

property owner or occupant may utilize a solid waste enterprise licensed and permitted to remove or convey waste within the City for the collection, removal and disposal of refuse from such specific properties as authorized in this Chapter. In the event that such exceptions apply, then no routine refuse collection or recycling service charge shall be made against the occupants or owners of such properties. Special collection charges shall apply for services deemed necessary to maintain public health and safety by the Director of Public Works.

3. A property owner or occupant within an area newly annexed to the City may utilize the service of a private refuse collection service for a period not to exceed the maximum time prescribed in Health and Safety Code § 4272; provided that such private refuse collection service is authorized to continue furnishing the service pursuant to and is in compliance with all applicable laws and regulations, and has obtained the requisite business license refuse transportation permit from the City; and provided further, that such occupant or owner was an occupant or owner at the time the area was annexed to the City. In such event, and if the City collects no refuse or recyclables therefrom, then no refuse or recycling collection service charge shall be made against the occupants or owners of such properties.
- B. Nothing in this Section shall be construed to prohibit any property owner or occupant from selling to, or otherwise disposing of to a private agency, any specific type or classification of refuse or recyclable material which may have economic value; provided, that the private agency shall be required to comply with all provisions of this Chapter relative to the collection and conveyance of refuse or recyclables within the City and all other applicable laws and regulations.

(Ord. C-7601 § 22, 1999; Ord. C-7057 § 18, 1992; Ord. C-5595 § 1 (part), 1980; prior code § 5220.10)

8.60.250 - Accumulation time limit.

Occupants or property owners shall not cause or permit rubbish to accumulate at any place or property under their care or control for a period in excess of one (1) calendar week; excepting that this provision shall not apply to those manufacturing wastes not constituting a health or fire hazard or a nuisance to adjacent properties.

(Ord. C-5595 § 1 (part), 1980; prior code § 5220.11)

8.60.260 - Maintenance of clean sidewalks and alleys.

The occupant or tenant, or in the absence of an occupant or tenant, the property owner, lessee, or proprietor of any real property in this City which is adjacent to a paved public sidewalk or a paved alley shall cause the sidewalk or alley to be swept or otherwise cleaned each day, Sundays and legal holidays excepted, if necessary to keep and maintain the public sidewalk or alley free of dirt, paper, litter or rubbish of any kind. The sweepings and debris from the sidewalk or alley shall be caused to be disposed of by the person responsible for the cleanliness of the sidewalk or alley, but such sweepings and debris shall not be swept or otherwise caused or allowed to be disposed of in the street or gutter. If the property owner or occupant fails to maintain the public sidewalk or alley free of waste of any kind, the Director of Public Works may, for public health and safety reasons, cause the sidewalk or alley adjacent to real property to be cleaned and assess a fee to the property owner pursuant to Sections 8.60.190 and 8.60.200 of the Municipal Code.

(Ord. C-7057 § 19, 1992; Ord. C-5800 § 1, 1992; prior code § 5220.12)

8.60.270 - Provision of waste receptacles for public use.

- A. The owner or operator of any retail establishment which sells a product which is commonly used or consumed immediately after purchase shall provide a waste receptacle of sufficient capacity, as defined in this Chapter, on his or her property for use by that establishment's customers.
- B. The owner or operator of each of the following establishments shall provide and empty a tobacco waste receptacle, such as a cigarette urn or ash tray, in each area of his or her establishment where smoking is lawfully permitted:
 - 1. Any retail establishment which sells tobacco products, or alcoholic beverages for consumption on the premises.
 - 2. Any place of employment, in any area of the establishment where smoking is permitted.
- C. Each such receptacle provided under this Section shall be of sufficient capacity, as defined in this Chapter, and both the receptacle and the area surrounding it shall be maintained in a sanitary manner.
- D. No waste receptacle provided under this Section shall be located on public property without the permission of the Director of Public Works.

(Ord. C-7601 § 26, 1999)

8.60.350 - Refund of refuse and/or recycling collection charges.

Refund provisions in Chapter 3.48 shall apply with the following conditions:

- A. The refund shall be credited to the corresponding refuse or recycling service account. If the refuse account is closed, the refund amount shall be made to such person entitled to receive the money.
- B. The refund shall be requested in writing by the person entitled to the refund. The refund request shall be made within one (1) year after payment of the money to the City. The refund amount shall not exceed a six (6) month period of the disputed amount.

(Ord. C-7057 § 21, 1992)

8.60.360 - Penalty for defacing or removing refuse carts and recycling bins.

No person shall deface or remove without authorization any "cart" or "recycling bin" as defined herein, and any person convicted of so doing shall be guilty of a misdemeanor which shall be punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the City or County jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly.

(Ord. C-7057 § 22, 1992)

CHAPTER 8.61 - SHOPPING CARTS

FOOTNOTE(S):

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Note— Prior ordinance history: ORD-06-0013.

8.61.010 - Definitions.

For purposes of this Chapter only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

"Business premises" means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein.

"Cart identification sign" means a sign or engraved surface which is permanently affixed to a shopping cart containing all of the information specified in Section 8.61.050 of this Chapter.

"Cart owner" means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind.

"Cart removal warning" means a placard, sign or painted text which meets the requirements of Section 8.61.030 of this Chapter.

"Enforcement officer" means any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.

"Enforcement agency" means the City department in which the enforcement officer is employed.

"Individual cart identification number" means a number unique to each cart owned or provided by a cart owner.

"On-site cart containment program" means one (1) or more of the following measures:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.
2. An on-site security guard to deter customers who attempt to remove carts from the business premises.
3. Bollards and chains around the business premises to prevent cart removal, if permitted by the Fire Marshal.
4. Obtaining a security deposit from customers for the on-site use of shopping carts.
5. The rental or sale of utility carts that can be temporarily or permanently used for the transport of goods.
6. Any other measure approved by the Director of Planning and Building as a means to contain carts on-premises.

"Parking area" means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, "parking area" includes the entire parking area used by or controlled by the complex or center.

"Physical containment system" means one (1) of the following, as approved by the Director of Planning and Building:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.
2. Any other system of equipment approved by the Director of Planning and Building which physically contains shopping carts on premises.

"Qualified cart retrieval service" means a commercial service, operated by a third party and paid by a cart owner to retrieve and return shopping carts. The Director of Planning and Building shall develop minimal service standards by which a cart retrieval service may be designated as a qualified cart retrieval service and maintain a list of all such services.

"Shopping cart" means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this Chapter.

(ORD-07-0046 § 1 (part), 2007)

8.61.020 - Cart containment system—Required; exception.

- A. Every cart owner shall operate and maintain an on-site cart containment program. A cart owner may be exempted from this requirement if he or she provides proof of contracting with a qualified cart retrieval service and submits an operations plan which demonstrates to the satisfaction of the Director of Planning and Building that the qualified cart retrieval service will both actively locate shopping carts within a one (1) mile radius of the cart owner's business premises and respond to complaints from the public in a manner which results in the retrieval of shopping carts within twenty-four (24) hours after receiving complaint(s).
- B. Each cart owner must contain all shopping carts on the business premises at all times.
- C. Any instance in which a shopping cart owned or provided by a cart owner is found off of the business premises shall be considered a violation by the cart owner of Subsection B of this Section.
 1. Each twenty-four (24) hour period that the cart remains off the business premises shall be considered a separate violation of Subsection B of this Section.
 2. A civil fine shall be assessed by means of an administrative citation issued by an enforcement officer and shall be payable directly to the City of Long Beach.
 3. Fines shall be assessed at one hundred dollars (\$100.00) for each violation.
 4. Following the issuance of more than ten (10) (Subsection B of this Section), administrative citations to the same cart owner within a thirty (30) day period, in addition to administrative penalty set forth in this Chapter, subsequent violations by that cart owner shall be referred by the enforcement agency for criminal prosecution pursuant to Subsection 1.32.010.E of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

8.61.030 - Cart removal warnings.

- A. Every cart owner shall post and maintain cart removal warnings which meet all of the following minimum specifications:
 - 1. Meet or exceed eighteen inches (18") in width and twenty-four inches (24") in height.
 - 2. Using block lettering not less than one-half inch (½") in width and two inches (2") in height, contain a statement in two (2) or more languages to the effect that unauthorized removal of a shopping cart from the business premises, or possession of a shopping cart in a location other than on the business premises, is a violation of State law and City ordinance.
 - 3. List a local or toll-free telephone number for cart retrieval.
 - 4. Be affixed to an interior wall of the building or otherwise permanently and prominently displayed within two feet (2') of all customer entrances and exits.
- B. Cart removal warnings on the exterior of the building are not considered "signs" for the purpose of calculating maximum allowable signage under Title 21 of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

8.61.040 - Employee training—Cart removal prevention.

Each cart owner shall conduct ongoing employee training to educate new and existing employees about procedures to prevent cart removal, including the operation of the cart containment system.

(ORD-07-0046 § 1 (part), 2007)

8.61.050 - Cart identification signs for shopping carts.

- A. Each shopping cart owned or used within the City shall have, permanently affixed and easily visible, a cart identification sign or engraved surface which includes all of the following information: The name of the cart owner, the telephone number of the cart owner and/or commercial establishment to which the cart belongs, the individual cart identification number, a valid toll-free phone number for cart retrieval, the procedure (if any) to be followed to obtain permission to remove the cart from the business premises, and a notice to the public that unauthorized removal of the cart from the business premises is a violation of State law and City ordinance.
- B. It shall be the responsibility of each cart owner to comply with Subsection A of this Section, and to continuously maintain, or cause to be maintained, the cart identification sign so that all of the required information is accurate and clearly legible.

(ORD-07-0046 § 1 (part), 2007)

8.61.060 - Cart removal from business premises—Written permission required.

No person shall be deemed to be authorized to remove a cart unless he or she possesses written authorization from the cart owner. This Section shall not apply the possession of a shopping cart removed from the business premises at the direction of the cart owner for the purposes of repair or maintenance.

(ORD-07-0046 § 1 (part), 2007)

8.61.070 - Physical containment system.

- A. A cart owner shall be required to install a physical containment system to the satisfaction of the Director of Planning and Building when the cart owner establishes a facility consisting of more than five thousand (5,000) square feet of new construction.
- B.

A cart owner may be required to install a physical containment system to the satisfaction of the Director of Planning and Building and the City prosecutor following the issuance of more than ten (10) (Subsection 8.61.020.B), administrative citations in a thirty (30) day period.

(ORD-07-0046 § 1 (part), 2007)

8.61.080 - Regulatory fee authorized.

A regulatory fee shall be established to enforce this regulation and to fairly apportion the cost of mitigating the negative effects of off-site shopping carts. A business which installs a physical containment system to the satisfaction of the Director of Planning and Building, or which does not provide any shopping carts to its customers, shall be exempted from this fee.

(ORD-07-0046 § 1 (part), 2007)

8.61.090 - Service procedures.

An administrative citation subject to this Chapter shall be issued on a form approved by the City Manager or his or her designee, and may be served upon any cart owner by an enforcement officer in the following manner:

- A. Service of citation by mail.
 - 1. The administrative citation or duplicate thereof shall be mailed to the cart owner(s); and
 - 2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-07-0046 § 1 (part), 2007)

8.61.100 - Contents of notice.

Each administrative citation issued pursuant to this Chapter shall contain the following information:

- A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed;
- B. The code section(s) and condition(s) violated and a description of the violation(s);
- C. A photographic image depicting the cart at the location of the violation(s);
- D. The amount of the fine for the violation(s);
- E. An explanation of how the fine shall be paid and the fine payment due date;
- F. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation; and
- G. The name and signature of the enforcement officer.

(ORD-07-0046 § 1 (part), 2007)

8.61.110 - Satisfaction of administrative citation.

Upon service of an administrative citation issued pursuant to this Chapter, the cart owner shall do the following:

- A. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

- B. Failure of the cart owner(s) to pay the civil fine and any accrued late penalties in a timely manner may result in the imposition of a special assessment and/or lien against the real property on the business premises, and/or filing of an action with the small claims court for recovery of the fine and any late penalty. The only issue to be adjudicated by the small claims court shall be whether or not the fines and possible late fees were paid. A cart owner may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative appeal hearing before a Hearing Officer. In the small claims court action, the City may also recover its costs, according to proof.
- C. The City may also refuse to issue, extend, or renew to any cart owner who has unpaid delinquent fines, interest, penalties, liens, or assessments, any City permit, license, entitlement, or other City approval pertaining to the business premises that is the subject of the fine and administrative citation.
- D. Any permit, license, entitlement, or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in the respective Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-07-0046 § 1 (part), 2007)

8.61.120 - Appeal of administrative citation.

- A. Any recipient of an administrative citation issued pursuant to this Chapter may appeal said citation by completing a written request for hearing form from the enforcement agency designated on the citation, and returning it to said City agency within thirty (30) calendar days from the date the administrative citation was served or deemed to have been served, together with a deposit in the total amount of the fine.
- B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.
- C. The administrative appeal hearing shall be set for a date not sooner than fifteen (15) calendar days, and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cart owner requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- D. The hearing provided for in this Chapter shall be conducted by a Hearing Officer or hearing body appointed by the City Manager or his or her authorized designee.
- E. The Hearing Officer/body shall only consider evidence that is relevant to whether the appellant is the bona fide cart owner, and whether appellant created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer/body determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer/body in accordance with the fundamentals of due process. The Hearing Officer/body may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his or her case as is allowed to the City.
- F. The appellant contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.

- G. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.
- H. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- I. If the enforcement officer or his or her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- J. The Hearing Officer/body may continue the hearing or request additional information from the enforcement officer, his or her designee or the appellant prior to issuing a written decision.
- K. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer/body shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.
- L. If the Hearing Officer/body denies the appeal, then the deposit shall be retained by the City.
- M. If the Hearing Officer/body grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.
- N. The Hearing Officer/body shall serve the appellant and City with a copy of the written decision.

(ORD-07-0046 § 1 (part), 2007)

8.61.130 - Dismissal of citation.

The enforcement officer, with the approval of the Director of the respective enforcement agency, may dismiss an administrative citation issued pursuant to this Chapter at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-07-0046 § 1 (part), 2007)

8.61.140 - Right to judicial review.

- A. Either the City or the appellant aggrieved by a decision of a Hearing Officer/body on an administrative citation issued pursuant to this Chapter, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code § 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by California Government Code § 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.

(ORD-07-0046 § 1 (part), 2007)

8.61.150 - Recovery of abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its code enforcement efforts.

(ORD-07-0046 § 1 (part), 2007)

8.61.160 - City powers not limited by this Chapter.

Nothing in this Section is intended to limit the ability of the City to remove or dispose of any cart to which a cart identification sign is not attached, or to remove or dispose of any cart which impedes the provision of emergency services, or which is an immediate threat to public health and safety, to the full extent permitted by State law.

(ORD-07-0046 § 1 (part), 2007)

8.61.170 - Additional nonadministrative penalty.

The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the sections defined in this Chapter of the Municipal Code.

(ORD-07-0046 § 1 (part), 2007)

CHAPTER 8.62 - PLASTIC CARRYOUT BAGS

8.62.010 - Definitions.

- A. "Customer" means any person or persons, purchasing goods from a store.
- B. "Farmer's Market" has the meaning provided in Subsection 3.80.180.G of the Long Beach Municipal Code.
- C. "Operator" means the person in control of, or having the responsibility for, the operation of a store, which may include, but is not limited to, the owner of the store.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Plastic carryout bag" means any bag made predominantly of plastic derived from either petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. Plastic carryout bag includes compostable and biodegradable bags but does not include reusable bags, produce bags or product bags.
- F. "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- G. "Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.
- H. "Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.
- I. "Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.
- J. "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this Section, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five feet (175'); (2) has a minimum volume of fifteen (15) liters; (3) is machine washable or is made from a material that can be cleaned or disinfected; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and federal standards and regulations for packaging or reusable bags; (5) has printed on the bag, or on a tag that is permanently

affixed to the bag, the name of the manufacturer, the location where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least two and one-quarter (2.25) mils thick.

- K. "Store" means any of the following retail establishments located within the City of Long Beach:
1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000.00), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
 2. A store of at least ten thousand (10,000) square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Business and Professions Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
 3. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

(ORD-11-0009, § 1, 2011)

8.62.020 - Plastic carryout bags prohibited.

- A. No store shall provide to any customer a plastic carryout bag.
- B. This prohibition applies to bags provided for the purpose of carrying away goods from the point of sale and does not apply to produce bags or product bags.
- C. No person shall distribute a plastic carryout bag or any paper bag at the Long Beach Farmers' Markets, except produce bags or product bags.

(ORD-11-0009, § 1, 2011)

8.62.030 - Permitted bags.

All stores shall provide or make available to a customer only recyclable paper carryout bags or reusable bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Chapter. Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(ORD-11-0009, § 1, 2011)

8.62.040 - Regulation of recyclable paper carryout bags.

- A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer ten cents (\$0.10) for each bag provided, except as otherwise provided in this Chapter.
- B. No store shall rebate or otherwise reimburse a customer any portion of the ten cent (\$0.10) charge required in Subsection A, except as otherwise provided in this Chapter.
- C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- D. All monies collected by a store under this Chapter will be retained by the store and may be used only for the following purposes:
 1. Costs associated with complying with the requirements of this Chapter;
 2. Actual costs of providing recyclable paper carryout bags; or

3. Costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.
- E. All stores shall keep complete and accurate records or documents, for a minimum period of three (3) years from the date of sale, of the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Section. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the store's address. A responsible agent or officer of the store shall confirm that the information provided is accurate and complete.
- F. The provision of false information, including incomplete records or documents, to the City shall be a violation of this Section, and such store shall be subject to the fines set forth in Section 8.62.080

(ORD-11-0009, § 1, 2011)

8.62.050 - Use of reusable bags.

- A. All stores must provide reusable bags to customers, either for sale or at no charge.
- B. Each store is strongly encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- C. Each store is strongly encouraged to provide to the City and to the public a summary of any efforts a store has undertaken to promote the use of reusable bags by customers.

(ORD-11-0009, § 1, 2011)

8.62.060 - Exempt customers.

All stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating either in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.

(ORD-11-0009, § 1, 2011)

8.62.070 - Operative date.

This Chapter shall become operative on August 1, 2011, for stores defined in Subsections K.1. and K.2. of Section 8.62.010. For stores defined in Subsection K.3. of Section 8.62.010, this Chapter shall become operative on January 1, 2012. For Farmers' Markets as defined in Subsection B of Section 8.62.010, this Chapter shall become operative on January 1, 2012.

(ORD-11-0009, § 1, 2011)

8.62.080 - Enforcement and violation-Penalty.

- A. The City Manager has primary responsibility for enforcement of this Chapter. The City Manager or designee is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. If the City Manager or designee determines that a violation of this Chapter has occurred, he/she will issue a written warning notice to the operator of a store that a violation has occurred and the potential penalties that will apply for future violations.

- B. Any store that violates or fails to comply with any of the requirements of this Chapter after a written warning notice has been issued for that violation shall be guilty of an infraction.
- C. If a store has subsequent violations of this Chapter that are similar in kind to the violation addressed in a written warning notice, the following penalties will be imposed and shall be payable by the operator of the store:
 - 1. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written warning notice is given;
 - 2. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is given; or
 - 3. A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is given.
- D. A fine shall be imposed for each day a violation occurs or is allowed to continue.
- E. All fines collected pursuant to this Chapter shall be used to assist with the implementation and enforcement of the requirements of this Chapter.
- F. Any store operator who receives a written warning notice or fine may request an administrative review of the accuracy of the determination or the propriety of any fine issued, by filing a written notice of appeal with the City Manager no later than thirty (30) days after receipt of a written warning notice or fine, as applicable. The notice of appeal must include all facts supporting the appeal and any statements and evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal. The appeal will be heard by a Hearing Officer designated by the City Manager. The Hearing Officer will conduct a hearing concerning the appeal within forty-five (45) days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the City, and will give the appellant ten (10) days prior written notice of the date of the hearing. The Hearing Officer may sustain, rescind, or modify the written warning notice or fine, as applicable, by written decision. The Hearing Officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the Hearing Officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

(ORD-11-0009, § 1, 2011)

8.62.090 - Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance.

(ORD-11-0009, § 1, 2011)

8.62.100 - No conflict with federal or State law.

Nothing in this ordinance is intended to create any requirement, power or duty that is in conflict with any federal or State law.

(ORD-11-0009, § 1, 2011)

CHAPTER 8.64 - AIR POLLUTION

FOOTNOTE(S):

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State Law reference— Provisions on the role of local authorities in the control of air pollution, Health and S. C. § 40000.

8.64.010 - Director defined.

"Director" means the officer or employee of the City, or of the County of Los Angeles, in the event the City contracts with the County for the enforcement of this Chapter, charged with responsibility for the enforcement of this Chapter.

(Prior code § 5400)

8.64.020 - Smoke discharge.

No person either by himself, employee or agent, or as an employee or agent of another shall cause, suffer, or permit to be discharged from any source whatsoever, any smoke, dust, soot or fumes for a period, or periods, aggregating more than three (3) minutes in any one (1) hour, which is:

- A. Equal to or greater in density than that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
- B. So dense as to obscure the passage of light to a degree equal to or greater than does smoke described in Subsection 8.64.020.A.

(Prior code § 5400.1)

8.64.030 - Offensive matter discharge.

No person shall, either by himself, his employee or agent, or as an employee or agent of another, cause, suffer, or permit to be discharged from any source whatsoever such quantities of charred paper, smoke, dust, soot, grime, carbon, particulate matter, or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Prior code § 5400.2)

8.64.040 - Fumes and odors.

No person shall, either by himself, his employee or agent, or as an employee or agent of another, cause, suffer, or permit to be discharged from any source whatsoever such quantities of fumes, gases, odors, smells, acids which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(Prior code § 5400.3)

8.64.050 - Exceptions.

- A. The prohibitions of this Chapter do not apply to any action either positively permitted or prohibited by constitutional provision or by general law.
- B. The provisions of Section 8.64.020 do not apply to the use of an orchard or citrus grove heater which:
 - 1. Does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute; and
 - 2. If petroleum, or any product thereof is used as fuel, does not produce products of combustion arising therefrom containing unconsumed solid carbonaceous matter in excess of twenty (20) grams per pound of fuel consumed.
- C. The provisions of this Chapter do not apply to smoke from fires set by or permitted by the Director of Public Service for the purpose of weed abatement, or by the Fire Chief for the prevention of a fire hazard, or the instruction of members of his staff in the methods of fighting fire.

(Prior code § 5400.4)

8.64.060 - Right of entry for inspection.

The Director, during reasonable hours, for the purpose of enforcing or administering this Chapter, may enter every building, premises, or other place, except a private residence. No person shall in any way deny, obstruct, or hamper such entrance.

(Prior code § 5400.5)

8.64.070 - Variance—Authorized.

The provisions of this Chapter do not prohibit the discharge of matter to a greater extent or for a longer time, or for both, than permitted in this Chapter if not of a greater extent or longer than the Director finds necessary pursuant to the provisions of this Chapter.

(Prior code § 5400.6)

8.64.080 - Variance—Hearing.

The Director may on his own motion, or at the request of any person, hold a hearing to determine under what conditions and to what extent the discharge of matter to a greater extent or for a longer time, or both, than that permitted by this Chapter is necessary.

(Prior code § 5400.7)

8.64.090 - Variance—Setting standards.

If the Director finds that because of conditions beyond control necessary equipment is not obtainable with which to make changes necessary to reduce such discharge in extent or time, or both, to that permitted by this Chapter, he may prescribe other and different standards applicable to plants and equipment operated either by named classes of industries or person, or to the operations of separate persons.

(Prior code § 5400.8)

8.64.100 - Variance—Refuse or rubbish burning.

If the Director finds that the burning of rubbish or refuse is necessary to prevent a fire or health hazard and also finds that neither adequate equipment, nor facilities are available for the disposal of such rubbish in a manner conforming with the provisions of this Chapter, he may prescribe other and different standards not more onerous applicable either to named classes of rubbish disposal or persons, or to the operations of separate persons.

(Prior code § 5400.9)

8.64.110 - Variance—Effective time.

- A. The Director in making any order permitting a variation may specify the time during which such order will be effective.
- B. Unless an earlier date is specified in the order, every order permitting a variation shall expire six (6) months after it is made.

(Prior code § 5400.10)

8.64.120 - Variance—Modification or revocation—Authorized.

The Director may revoke or modify any order permitting variation after a public hearing held upon not less than ten (10) days' notice.

(Prior code § 5400.11)

8.64.130 - Variance—Modification or revocation—Hearing.

The Director shall serve notice of the time and place of a hearing to remove or modify any order permitting a variation not less than ten (10) days prior to such hearing upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons who have filed with the Director a written request for such notification, either in the manner required by law for the service of summons or by first class mail postage prepaid.

(Prior code § 5400.12)

CHAPTER 8.65 - MOBILE SOURCE AIR POLLUTION REDUCTION

8.65.010 - Findings and intent.

A. The City finds and declares that:

1. The City is committed to improving the public health, safety and welfare, including air quality;
2. Mobile sources are a major contributor to air pollution in the South Coast Air Basin;
3. Air quality goals for the region established by State law cannot be met without reducing air pollution from mobile sources;
4. The South Coast Air Quality Management Plan ("AQMP") calls upon cities and counties to reduce emissions from motor vehicles consistent with the requirements of the California Clean Air Act of 1988, by developing and implementing mobile source air pollution reduction programs;
5. Such programs place demands upon the City's funds, those programs should be financed by shifting the responsibility for financing from the general fund to the motor vehicles creating the demand, to the greatest extent possible;
6. Section 44223, added to the Health and Safety Code by action of the California Legislature on September 30, 1990 (Chapter 1705 of the 1990 Statutes), authorizes the South Coast Air Quality Management District ("SCAQMD") to impose an additional motor vehicle registration fee of two dollars (\$2.00), commencing on April 1, 1991, increasing to four dollars (\$4.00), commencing on April 1, 1992, to finance the implementation of transportation measures embodied in the AQMP and provisions of the California Clean Air Act;
7. Forty cents (\$0.40) of every dollar (\$1.00) collected under Health and Safety Code § 44223, shall be distributed to cities and counties located in the South Coast Air Quality Management District that comply with Health and Safety Code § 44243 of the Code, based on the jurisdictions' prorated share of population as defined by the State Department of Finance;
8. The City is located within the South Coast Air Quality Management District and is eligible to receive a portion of the revenues from the additional motor vehicle registration fees contingent upon enactment of this Chapter;
9. The prorated share of the fee revenues for cities that fail to adopt provisions pursuant to Health and Safety Code § 44243(b)(3), shall be distributed instead to the jurisdictions within the district that have adopted such provisions; and
10. The imposition of the additional motor vehicle registration fee by the SCAQMD to finance mobile source air pollution reduction programs is in the best interest of the City and promotes the general welfare of its residents.

B. This Chapter is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the City into compliance with the requirements set forth in Health and Safety Code § 44243, in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

(Ord. C-6920 § 1 (part), 1991)

8.65.020 - Definitions.

As used in this Chapter, the following words and phrases shall have meanings attributed to them as follows:

- A. "City" means the City of Long Beach, California.
- B. "Fee Administrator" means the Director of Financial Management of the City or the Director's designee.
- C. "Mobile source air pollution reduction program" means any program or project implemented by the City to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988, or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.
- D. "SCAQMD" means the South Coast Air Quality Management District.

(Ord. C-6920 § 1 (part), 1991)

8.65.030 - Administration of vehicle registration fee.

- A. The additional vehicle registration fees disbursed by the SCAQMD and remitted to the City, pursuant to the ordinance codified in this Section, shall be accepted by the Fee Administrator.
- B. The Fee Administrator shall establish a Special Revenue Fund, and upon receipt of vehicle registration fees, the Fee Administrator shall deposit such funds into the Special Revenue Fund. All interest earned by the Special Revenue Fund shall be credited only to that fund.
- C. All revenues received from the SCAQMD and deposited in the Special Revenue Fund shall be exclusively expended on mobile source emission reduction programs as defined in Subsection 8.65.020.C. Such revenues and any interest earned on the revenues shall be expended within one (1) year of the completion of the programs.

(Ord. C-6920 § 1 (part), 1991)

8.65.040 - Audits.

City shall consent to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to Health and Safety Code § 44223. The audit shall be conducted during reasonable times and normal business hours by an independent Auditor selected by the SCAQMD as provided in Health and Safety Code §§ 44244 and 44244.1(a), and prior written notice of the audit shall be given to City.

(Ord. C-6920 § 1 (part), 1991)

8.65.050 - Legal construction.

The provisions of this Chapter shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

(Ord. C-6920 § 1 (part), 1991)

CHAPTER 8.68 - SMOKING IN PUBLIC PLACES

FOOTNOTE(S):

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Editor's note— ORD-14-0003, § 2, adopted Mar. 4, 2014, amended Ch. 8.68 in its entirety to read as herein set out. Former Ch. 8.68, §§ 8.68.010—8.68.210, pertained to similar subject matter, and derived from: Ord. C-6916 § 1 (part), 1991; Ord. C-7132 §§ 1—6, 1993; Ord. C-7155 § 1, 1993; Ord. C-7786 § 1, 2002; Ord. C-7955, § 1, 2004; ORD-05-0015 §§ 1, 3, 2005; ORD-09-0002, §§ 1—5, 2009; ORD-09-0025, §§ 1, 2, 2009; ORD-09-0026, § 1, 2009; ORD-09-0038, §§ 1, 2, 2009; ORD-10-0034, § 1, 2010; ORD-11-0008, § 1, 2011; ORD-11-0030, § 4, 2011; and ORD-13-0017, § 1, 2013.

8.68.010 - Purpose and findings.

The City Council finds that the smoking of tobacco, or any other weed or plant, is a medically documented danger to health and a material annoyance, inconvenience, discomfort and health hazard to those who are present in confined spaces, and in order to reduce exposure to environmental tobacco smoke and to serve the public health, safety and welfare, the declared purpose of this Chapter is to prohibit the smoking of tobacco, or any other weed or plant, in public places and places of employment as stated and required in this Chapter.

(ORD-14-0003, § 2, 2014)

8.68.020 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be given the following definitions:

- A. "Adjacent water areas" shall mean fifty feet (50') seaward of the mean high tide line of the City beaches.
- B. "Bar" means an area which is devoted to serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. Bar shall also include a nightclub or cabaret where entertainment and/or dancing are provided in addition to the consumption of alcoholic beverages or food.
- C. "Beach bike path" shall mean that portion of the bike path located on the sand areas of the beach from the eastern edge of the Long Beach Shoreline Marina parking lot at approximately Alamitos Avenue easterly to the southeastern corner of the intersection of Ocean Boulevard at approximately Bayshore Avenue.
- D. "Beach launch ramps" shall mean the launch ramps located at the foot of Claremont Avenue and Granada Avenue.
- E. "Childcare facility" means any location or portion thereof where children other than those of the owner, operator or proprietor are cared for or supervised in exchange for anything of value.
- F. "Cigar" shall have the same definition as California Health and Safety Code § 104550, as currently defined or as may be amended.
- G.

"Cigarette" shall have the same definition as California Health and Safety Code § 104556 as currently defined or as may be amended.

- H. "City facility" means any enclosed structure wherever owned or used by the City of Long Beach for its operations or activities.
- I. "City vehicle" means any vehicle owned and operated by the City for public purposes.
- J. "Electronic cigarette" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- K. "Employee" means any person who is employed by any employer for direct or indirect monetary wages or profit.
- L. "Employer" means any person who employs the services of any person other than himself or herself.
- M. "Enclosed" means closed in by a roof and four (4) walls with appropriate openings for ingress and egress but does not include areas commonly described as public lobbies.
- N. "Motion picture theater" means any theater engaged in the business of exhibiting motion pictures.
- O. "Playground", for purposes of California Health and Safety Code § 104495, is more specifically defined to mean twenty-five feet (25') from the edge of a sand area within a City park or recreational area specifically designed to be used by children and that has play equipment installed in it.
- P. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, retail stores, retail service establishments, retail food production and marketing establishments, restaurants, theaters, auditoriums, gymnasiums, waiting rooms, reception areas, educational facilities, health facilities, public transportation facilities, bowling alleys, bingo parlors, hair salons, laundromats, gaming clubs, bars, taverns, hotel and motel lobbies. A private residence is not a "public place", except that the enclosed common areas of apartment or condominium structures, if any, shall be considered "public places" for purposes of Section 8.68.060
- Q. "Service line" means an indoor line or area in which persons await service of any kind, regardless of whether or not such service involves the exchange of money. Such service shall include, but is not limited to, sales, providing information, directions, or advice and transfers of money or goods.
- R. "Smoke" or "Smoking" shall mean the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.
- S. "Smoking lounge" means any business establishment that is dedicated to the smoking of tobacco products, including, but not limited to, establishments known variously as cigar lounges, hookah lounges or tobacco clubs. For purposes of this Chapter, "smoking lounge" means private smokers' lounge as defined in Section 6404.5 of the California Labor Code.
- T. "Workplace" means any enclosed area of a structure or portion thereof occupied by any entity and frequented by employees during the normal course of their employment where clerical, professional, manufacturing, business services or other normal and customary activities of the entity are performed or where other work is done at that location. Workplace also includes, but is

not limited to, spaces in office buildings, medical office waiting rooms, libraries, museums, gaming clubs, bars, taverns, employee lounges, employee breakrooms, conference rooms and employee cafeterias. Workplace does not include any of the following: a private home, except where such home is used as a "childcare facility" as defined in Subsection 8.68.020.E, and any "smoking lounge" as defined in Subsection 8.68.020.S that satisfies the conditions specified in Subsection 8.68.060.B.

(ORD-14-0003, § 2, 2014)

8.68.030 - Smoking prohibited—Elevators.

Smoking is prohibited and is unlawful within elevators in buildings generally used by and open to the public, including elevators in office, hotel and multifamily buildings.

(ORD-14-0003, § 2, 2014)

8.68.040 - Smoking prohibited—Hospitals, healthcare facilities and childcare facilities.

- A. Smoking is prohibited in public areas of healthcare facilities and hospitals, as defined in California Health and Safety Code § 1250.
- B. "Staff and visitor smoking prohibited" signs shall be conspicuously posted in public areas of healthcare facilities.
- C. Smoking is prohibited in all childcare facilities as defined in Subsection 8.68.020.E.

(ORD-14-0003, § 2, 2014)

8.68.050 - Smoking prohibited—Public meeting rooms.

Smoking is prohibited and is unlawful in public meeting rooms, hearing rooms, conference rooms, chambers and places of public assembly in which public business is conducted, when the public business requires or permits direct participation or observation by the general public.

(ORD-14-0003, § 2, 2014)

8.68.060 - Smoking prohibited—Enclosed public places.

- A. Smoking is prohibited and is unlawful in every enclosed "public place" as defined in Subsection 8.68.020.P. Every owner, manager or operator of such facility shall post signs conspicuously in the premises stating that smoking is prohibited within the "public place" as defined in Section 8.68.020 and in the case of motion picture theaters, such information shall be shown upon the screen for at least five (5) seconds before showing feature motion pictures.
- B. This Section is not intended to prohibit smoking in any "smoking lounge" as defined in Subsection 8.68.020.S and in compliance with the provisions of Chapter 5.88

(ORD-14-0003, § 2, 2014)

8.68.065 - Smoking prohibited—City beaches, beach bike path and beach launch ramps.

Smoking shall be prohibited on all sand areas and adjacent water areas of City beaches, the beach bike path and beach launch ramps, with the exception of designated outdoor dining areas or permitted beach concessions and permitted activities, including, but not limited to filming and/or special events.

(ORD-14-0003, § 2, 2014)

8.68.066 - Smoking prohibited—City parks and other recreation areas.

- A. Smoking shall be prohibited in any outdoor area that has been improved or developed by or on behalf of the City, and open to the general public for park or open space use, including, but not limited to, public parks, picnic areas, playgrounds, sports or playing fields, walking paths, gardens, hiking trails, bike paths, and any other areas designated a park by the Director of the Department of Parks and Recreation.
- B. The provisions of this Section shall not apply to Municipal golf courses, or permitted activities, including, but not limited to filming and/or special events.

(ORD-14-0003, § 2, 2014)

8.68.070 - Smoking prohibited—Public restrooms.

Smoking is prohibited and is unlawful in public restrooms.

(ORD-14-0003, § 2, 2014)

8.68.075 - Smoking prohibited—Bus stops.

Smoking is prohibited and is unlawful at and within twenty feet (20') of any bus stop, with the exception of designated outdoor dining areas, private residential property, or while actively passing on the way to another destination.

(ORD-14-0003, § 2, 2014)

8.68.080 - Smoking prohibited—Indoor service lines.

Smoking is prohibited and is unlawful in indoor service lines in which more than one (1) person is giving or receiving services of any kind.

(ORD-14-0003, § 2, 2014)

8.68.085 - Smoking prohibited—Farmers' markets.

Smoking is prohibited and is unlawful at any farmers' market and within twenty feet (20') of all entrances and exits of farmers' markets, as defined in Subsection 3.80.180.G of the Long Beach Municipal Code.

(ORD-14-0003, § 2, 2014)

8.68.090 - Smoking prohibited—Eating establishments and bars.

- A. Smoking is prohibited and is unlawful in every publicly or privately owned enclosed coffee shop, cafeteria, short order cafe, luncheonette, sandwich shop, soda fountain, restaurant, gaming club, bar, tavern or other eating establishment serving food.
- B. Establishments, as defined in Subsection A, which maintain an outdoor seating area shall maintain a contiguous no smoking area of not less than two-thirds (2/3) of both the outdoor seating capacity or the outdoor floor space in which customers are being served.

(ORD-14-0003, § 2, 2014)

8.68.095 - Mobile food preparation vehicle.

Smoking is prohibited and is unlawful at and within forty feet (40') of any operating mobile food preparation vehicle, as defined in Section 5.37.110 of the Long Beach Municipal Code.

(ORD-14-0003, § 2, 2014)

8.68.100 - Smoking prohibited—Retail food production and marketing establishments.

Smoking is prohibited and unlawful in any retail food marketing establishments including grocery stores and supermarkets.

(ORD-14-0003, § 2, 2014)

8.68.110 - Regulation of smoking in the workplace.

- A. Smoking is prohibited in all workplaces in the City of Long Beach as defined in Subsection 8.68.020.T.
- B. Smoking is prohibited in conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways, elevators, cafeteria, lunchrooms, employee lounges, employee breakrooms, designated eating areas and common areas.
- C. This Section is not intended to regulate smoking in the following places and under the following conditions:
 - 1. A private home which may serve as a workplace except when used as a "childcare facility" as defined in Subsection 8.68.020.E; or
 - 2. Any property owned, leased or used by governmental agencies other than the City of Long Beach.
- D. The provisions of Sections 8.68.090 and 8.68.100 shall govern the public access areas of such facilities; however, such employers shall otherwise comply with provisions of this Section 8.68.110

(ORD-14-0003, § 2, 2014)

8.68.120 - Prohibition of electronic cigarette use in smoke-free places and other regulations.

- A. It shall be a violation of this Chapter to use an electronic cigarette in any place within the City where smoking is prohibited by law.
- B. No person or entity shall knowingly permit the use of electronic cigarettes in an area under the legal or de facto control of that person or entity and in which smoking is prohibited by law.
- C. All other regulations and prohibitions contained in this Chapter relating to tobacco products shall apply the same to electronic cigarettes.

(ORD-14-0003, § 2, 2014)

8.68.130 - Posting of signs required.

- A. Except where other signs are required, whenever in this Code smoking is prohibited, conspicuous signs shall be posted so stating, containing all capital lettering not less than one inch (1") in height on a contrasting background. It is the duty of the owner, operator, manager, or other persons having control of such room, building, workplace, or other place where smoking is prohibited, to post such signs or to cause such signs to be posted.
- B. A warning sign must be posted at each sales counter and on each vending machine where tobacco products are sold. This warning sign must be posted in a place that can be clearly seen by the public, and the size and format of the warning sign shall comply with California Code of Regulations, Title 17.
- C. Notwithstanding this Section, the presence or absence of signs shall not be a defense to the violation of any other provision of this Chapter.

(ORD-14-0003, § 2, 2014)

8.68.140 - Structural modifications not required.

- A. It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing facilities to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.
- B.

Nothing in this Chapter shall require the owner, operator, or manager of any theater, auditorium, healthcare facility, or any building, facility, structure, or business, to incur any expense to make structural or other physical modifications to any area or workplace.

- C. Nothing in this Section shall relieve any person from the duty to post signs or adopt policies as required by this Chapter.

(ORD-14-0003, § 2, 2014)

8.68.150 - Administration and enforcement.

- A. The no smoking ordinance established by this Chapter shall be administered by the Department of Health and Human Services.
- B. Any person may register a complaint for an alleged non-compliance with this Chapter with the Department of Health and Human Services.

(ORD-14-0003, § 2, 2014)

8.68.160 - Exemptions.

Any owner or manager of a business or other establishment subject to this Chapter may apply to the City Health Officer for an exemption or modification to any provisions of this Chapter due to unusual circumstances or conditions.

- A. Such exemption shall be granted only if the City Health Officer finds from the evidence presented by the applicant for exemption at a public hearing that the applicant cannot comply with the provisions of this Chapter for which an exemption is requested without incurring expenses for structural or other physical modifications, other than posting signs, to buildings and structures.
- B. The applicant for an exemption shall pay concurrent with the application, the fee, as prescribed by resolution of the City Council, to cover cost of the hearing and noticing of the hearing.

(ORD-14-0003, § 2, 2014)

8.68.170 - City facilities.

There shall be no smoking in any "City facility" as defined in Subsection 8.68.020.H or in any "City vehicle" as defined in Subsection 8.68.020.I or in any covered area of the Long Beach Airport, notwithstanding any exception or exemption contained in any other provision of this Chapter.

(ORD-14-0003, § 2, 2014)

8.68.180 - Tobacco products distribution.

- A. No person or entity shall sell or otherwise distribute any cigarette or other tobacco product unless such cigarette or tobacco product is in the manufacturer's original package with all required health warnings.
- B. No person or entity shall distribute or furnish without charge or cause or authorize distribution or furnishing of any cigarette or other tobacco product in any public place or at any event to which the public is invited unless such activity is authorized in a permit for staging of a special event which is subject to revocation for violation of the requirement of Subsection A of this Section.
- C. The provision of Subsection B of this Section shall not apply to private functions or nightclubs, where minors are not present and such distribution is authorized by the proprietor.

(ORD-14-0003, § 2, 2014)

8.68.190 - Billboard advertising.

No person or entity shall place, establish, keep, maintain or locate any advertisement for any tobacco product on any billboard within five hundred feet (500') of or so oriented that the message portion of the sign is visible from any school, childcare center, nursery school, hospital, place of worship or recreational facility.

(ORD-14-0003, § 2, 2014)

8.68.200 - Violations and penalties.

Any person or entity violating any provision of this Chapter is guilty of an infraction, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars (\$100.00) for a first violation, two hundred dollars (\$200.00) for a second violation within one (1) year, and five hundred dollars (\$500.00) for a third and for each subsequent violation within one (1) year.

(ORD-14-0003, § 2, 2014)

8.68.210 - Retaliation.

No person shall discharge, refuse to hire, or in any other manner retaliate against any employee, applicant, or patron exercising any right or privilege created by this Chapter.

(ORD-14-0003, § 2, 2014)

8.68.220 - Severability.

All provisions of this Chapter are severable. If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid for any reason, the remainder of this Chapter, including the application of such part or provision to persons or circumstances other than those to which it is held invalid, shall not be affected and shall remain in full force and effect.

(ORD-14-0003, § 2, 2014)

CHAPTER 8.72 - SAWDUST STORAGE

8.72.010 - Storage in garage prohibited.

No person shall store or use sawdust, wood shavings or wood turnings in any public or private garage, automobile filling station, automobile repair shop, upon vacant property used for the sale of new or secondhand automobiles or upon vacant property used for automobile parking purposes.

(Prior code § 4615)

CHAPTER 8.76 - PROPERTY MAINTENANCE

FOOTNOTE(S):

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Cross reference— Provisions on the abatement of nuisances, see the City Charter.

State Law reference— Provisions on public nuisances, Pen. C. §§ 370—372.

8.76.010 - Prohibited uses.

It is a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon and it is a public nuisance for any person causing the following conditions on any premises:

- A. Buildings which are abandoned, boarded up, partially destroyed, or left for unreasonably long periods of time in a state of partial construction, provided that any unfinished building or structure which has been in the course of construction three (3) years or more, and where the appearance and other conditions of said unfinished building or structure are such that the unfinished structure substantially detracts from the appearance of the immediate neighborhood or reduces the value of property in the immediate neighborhood or is a nuisance, shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this Subsection;
- B. Any building on which the condition of the paint or roof covering has become so deteriorated as to permit decay, discoloration, excessive checking, cracking or warping so as to render the building unsightly or in a state of disrepair;
- C. Broken windows constituting hazardous conditions and inviting trespassers and malicious mischief;
- D. Overgrown vegetation, cultivated or uncultivated, which is likely to harbor rats, vermin or other nuisances or which causes detriment to neighboring properties or property values;
- E. Dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values;
- F. Any chattel stored in a residential yard or court in a manner that the item is not shielded totally or in part from view from a public right-of-way by a six foot (6') high solid fence, wall, gate or equivalent screen.

For the purposes of this Subsection:

"Chattel" means any tangible, movable, personal property whatsoever including, but not limited to, building materials, household furniture, appliances, or motor vehicle parts, but not including duly licensed operable vehicles or recreational vehicles, nor boats, camper shells or off-the-road vehicles mounted thereon.

"Court" means any open, unoccupied area, other than a yard on the same lot with a building or buildings, bounded on two (2) or more sides by such building or buildings.

"Recreational vehicle" means a vehicle for the conveyance and/or shelter of persons or goods for purposes of leisure-time activities; a motor home, travel trailer, van, truck camper, camping trailer, boat, or off-the-road vehicle. Recreational vehicles shall not include vehicles designed and intended for commercial use which are converted to a recreational use, such as airplanes, buses, moving vans or semitrailers, nor recreational vehicles used for economic gain, nor chattel.

"Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

"Yard" means any open space, other than a court, adjacent to any lot line, unobstructed from the ground to the sky;

- G. Any vehicle, recreational vehicle or boat parked or stored in a manner not permitted by the zoning regulations set forth in Title 21
- H. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, hazardous pools, ponds, excavations or neglected machinery;
- I. Broken or discarded furniture and household equipment remaining in front yard areas and side yard areas of corner lots for unreasonable periods and causing damage or detriment to neighboring property;
- J. Clothesline in front yard areas and in side yard areas of corner lots;
- K. Trash and garbage cans permanently stored in front or side yards and visible from public streets;
- L. Packing boxes and other debris stored in yards and visible from public streets for unreasonable periods and causing detriment to neighboring property;
- M. Property maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of surrounding properties or is materially detrimental to properties and improvements;
- N. Any wall, fence or hedge maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property or to cause depreciation in the value of any adjacent or nearby property;
- O. Any wrecked vehicles (including vehicles with noticeably dented or rusted body parts) or fully or partially disassembled vehicles (including vehicles without hoods, fenders, body panels, headlights, trunk lids, wheels, windows or windshields) when parked overnight on a residential, commercial or industrial use site (except licensed vehicle impound yards or junkyards) and visible from the public right-of-way or residential district;
- P. Any commercial or industrial use sites with uncleaned grease spots on paved surfaces, oil or grease stains on buildings, walls or fences, an accumulation of dirt, grime or litter, any paved areas maintained in a condition of deterioration or disrepair or any excessive accumulation of weeds;
- Q. Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a lot containing an unoccupied or vacant building;
- R.

Any boat, vehicle, trailer, camper or parts thereof which is stored or parked on a vacant lot, when the lot is not improved to meet the zoning regulations for a residential, commercial or industrial storage or parking lot;

- S. Any vacant building secured in a manner not fully complying with the provisions of Sections 8.76.015 or 8.76.017
- T. No commercial vehicle over seven feet (7'), six inches (6") high, including any load thereon, or exceeding a maximum weight of three (3) tons, shall be stored or parked on any residentially zoned lot within the City. During daylight hours, such commercial vehicles conducting business on residentially zoned lots may park for a reasonable time while any construction, reconstruction or repair work is in progress.

(Ord. C-7665 §§ 1, 2, 1999; Ord. C-7660 § 1, 1999; Ord. C-6345 § 1, 1987; Ord. C-6288 § 1, 1986; Ord. C-6192 § 1, 1985; Ord. C-6161 § 1, 1985; Ord. C-6099 §§ 2, 3, 1984; Ord. C-5995 § 9, 1983; Ord. C-5834 § 1, 1982; Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975; prior code § 4611.10)

8.76.015 - Security screens—Appearance standards.

- A. Purpose. In residential areas, an unoccupied dwelling unit or residential building secured with unpainted plywood visually stands out, tends to encourage vandalism, reduces the desirability of the neighborhood and impacts resales. The purpose of this Section is to reduce the negative visual impacts of unoccupied dwelling units by establishing minimum appearance standards for measures taken to secure the building from unlawful entry. It is intended that such measures, to the extent possible, disguise the vacant occupancy status of the building.
- B. Scope. The provisions of this Section apply to any vacant dwelling or group of vacant dwelling units.
- C. Prohibited materials. No wood, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed after January 1, 1986.
- D. Permitted materials. Steel screens, bars or grilles complying with this Section may be installed over window openings.
 - 1. The screens, bars or grilles shall be either painted, galvanized, plastic-coated, anodized, or cadmium-plated to protect against oxidation and discoloration.
 - 2. The color of the materials used shall be either gray, black or silver.
 - 3. All screens, bars or grilles installed over operable bedroom windows shall be equipped with a quick-release mechanism approved by the Building Official.
- E. Doors. Door and sliding-door openings may be secured with not less than one-half inch (½") plywood (if made operable with the use of hinges and locking hasp). Plywood coverings shall be painted on a manner similar to the permanent doors of the dwelling unit.
- F. Exception. Nothing specified herein shall be construed to prevent emergency hazard abatement authorized pursuant to Section 18.20.380 by materials otherwise prohibited by these provisions.
- G. Alternates. The Building Official may approve alternate methods of complying with this Section when such methods are found to be equivalent to prescriptive requirements or comply with the spirit and purpose of the regulations.

(Ord. C-6161 § 2, 1985)

8.76.017 - Security screens—Appearance standards (commercial properties).

- A. Purpose. In commercial areas, an unoccupied commercial unit or building secured with unpainted plywood visually stands out, tends to encourage vandalism, reduces the desirability of the commercial neighborhood and impacts resales. The purpose of this Section is to reduce the negative visual

impacts of unoccupied commercial units by establishing minimum appearance standards for measures taken to secure the building from unlawful entry. It is intended that such measures, to the extent possible, soften the vacant occupancy status of the building to avoid an appearance of abandonment.

- B. Scope. The provisions of this Section apply to any vacant commercial unit or group of vacant units.
- C. Prohibited Materials. No woods, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed, provided that plywood may be used if painted in a color conforming to and consistent with the existing color of the vacant unit or units and is so approved by the Director of Planning and Building or his/her designee.
- D. Permitted Materials. Steel screens, bars or grilles complying with this Section may be installed over window openings.
 - 1. The screens, bars or grilles shall be either painted, galvanized, plastic-coated, anodized, or cadmium-plated to protect against oxidation and discoloration.
 - 2. The color of the materials used shall be either gray, black or silver.
 - 3. All screens, bars or grilles installed over operable bedroom windows shall be equipped with a quick-release mechanism approved by the Building Official.
- E. Doors. Door and sliding-door openings may be secured with not less than one-half-inch plywood (if made operable with the use of hinges and locking hasp). Plywood coverings shall be painted on a manner similar to the permanent doors of the commercial unit.
- F. In all cases where plywood is placed pursuant to this Section, it shall be secured by screws or bolts.
- G. Exception. Nothing specified herein shall be constructed to prevent emergency hazard abatement authorized pursuant to Section 18.20.380 by materials otherwise prohibited by these provisions.
- H. Alternates. The Building Official may approve alternate methods of complying with this Section when such methods are found to be equivalent to prescriptive requirements or comply with the spirit and purpose of the regulations.

(Ord. C-7050 § 1, 1992)

8.76.020 - Abatement—Notice.

Whenever the Building Official, Health Officer, or such other City official as may be designated by the City Manager, determines that any building or premises within the City is being maintained in violation of the provisions of this Chapter, he shall give written notice thereof to the owner of record as shown on the last equalized assessment roll. Such notice may be served by mail, addressed to the owner at the last known address of the owner as shown on the last equalized assessment roll. The notice shall specify the condition or conditions to be corrected or remedied and shall specify a reasonable period within which this must be accomplished. The service of this notice is complete at the time such notice is deposited in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

(Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975; prior code § 4611.11)

8.76.030 - Abatement—Hearing—Notice—Form.

If the owner fails to comply with the notice of the appropriate City official to abate the subject nuisance within the time specified in the notice to abate, the City official shall apply to the Board of Examiners, Appeals and Condemnation for a hearing and a finding of a nuisance. Notice of such hearing shall be substantially in the following form:

**NOTICE OF HEARING TO
DETERMINE EXISTENCE OF
PUBLIC NUISANCE AND TO
ABATE IN WHOLE OR IN PART**

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 19_____, at the hour of _____m., the Board of Examiners, Appeals and Condemnation of the City of Long Beach will hold a public hearing in the Council Chambers of the Long Beach City Hall, located at 333 West Ocean Boulevard, Long Beach, California, to ascertain whether certain premises situated in the City of Long Beach, State of California, known and designated as _____

_____,
constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined by Section 8.76.010 of the Long Beach Municipal Code, and if the same are not promptly abated by the owner, such nuisances may be abated by municipal authorities, and the costs of rehabilitation, repair or demolition plus incidental enforcement costs will be assessed upon such premises and such costs will constitute a lien upon such land until paid.

Said alleged violations consist of the following:

_____.

Said methods of abatement available are: _____

_____.

All persons having any objection to or interest in said matters are hereby notified to attend a meeting of the Board of Examiners, Appeal and Condemnation of the City of Long Beach to be held on the _____ day of _____, 19_____, at the hour of _____ m., when their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 19_____.

(City Official)

(Ord. C-7098 § 7, 1993: Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.12)

8.76.040 - Abatement—Hearing—Notice—Service.

- A. The City official, or such representative as may be designated by him, shall cause to be served upon the owner of each of the affected premises a copy of the notice of hearing, by certified mail, at his last known address as it appears on the last equalized assessment roll.
- B. The notice of hearing shall be served, as aforesaid, at least ten (10) days before the time fixed for the hearing. Proof of service of the notice shall be made by declaration filed with the Board of Examiners, Appeals and Condemnation.
- C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

- D. "Owner," as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises, as disclosed by a preliminary title search.
- E. The failure of any person to receive such notice shall not affect the validity of any proceedings hereunder.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.13)

8.76.050 - Abatement—Hearing—Procedure.

At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, City personnel and interested persons relative to the alleged public nuisance and to propose correction, repair or demolition of the premises. The hearing may be contained without further notice from time to time.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.14)

8.76.060 - Abatement—Hearing—Determination.

- A. Upon conclusion of the hearing, the board shall determine whether the premises, or any part thereof, as maintained, constitutes a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, they shall determine how the nuisance is to be abated and shall establish a time within which correction, repair, demolition or removal shall take place; and in the event of the owner's failure to correct the nuisance within the time prescribed, the City shall cause the nuisance to be abated and the cost incurred in behalf of the City to become a lien on the property, in accordance with Title 18 of this Code. A copy of the determination shall be served by mail upon the owner of each of the affected premises.
- B. Service shall be complete at the time of the deposit of the report in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.15)

8.76.070 - Abatement—Appeal—Contents.

Any owner may appeal to the City Council from the determination of the Board of Examiners, Appeals and Condemnation by filing with the City Clerk within ten (10) days from the date of service of such decision or report, a written appeal containing the following, along with a fee as prescribed by Councilmanic resolution:

- A. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved;
- B. A statement in ordinary and concise language of the finding or action protested, together with any material facts supporting the contentions of the appellant;
- C. The signatures of all parties named as appellants, and their official mailing addresses;
- D. The verification, under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code 4611.16)

8.76.080 - Abatement—Appeal—Hearing.

As soon as practicable after receiving the written appeal, the City Clerk shall set a date for hearing of the appeal by the City Council, which date shall be not less than ten (10) days, nor more than forty-five (45) days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given

by the City Clerk to each appellant at least ten (10) days prior to the date of the hearing by mailing a copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing, without further notice, may be granted for good cause by the City Council.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.17)

8.76.090 - Abatement—Appeal—Decision.

- A. Upon the conclusion of the hearing on the appeal, the City Council shall either terminate the proceedings and overrule the findings of the Board, confirm the determination of the Board, or modify the determination, based upon evidence received at the hearing. If the Council takes any action other than to terminate the proceedings, it shall declare the premises to be a public nuisance shall order the abatement of the same within a specified time by having such premises, buildings or structures corrected, repaired, demolished or removed. The decision of the City Council shall be served on the appellant by the City Clerk and shall be final and conclusive.
- B. No legal proceeding or action shall lie against the City nor against the Council, nor the Board of Examiners, Appeals and Condemnation, nor any member of either thereof, nor against any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter or to recover damages for carrying out such orders in a lawful and reasonable manner, unless such legal action is commenced within thirty (30) days after the decision of the Council.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.18)

8.76.100 - Abatement by City—Authorized.

If the nuisance is not completely abated by the owner as directed within the designated abatement period, then the City Manager, or such other City official as may be designated by him, is authorized and directed to cause the same to be abated by City forces or private contract, and the City Manager, or his designated agent, is expressly authorized to enter upon the premises for such purpose. All expenses so incurred by the City in connection therewith, plus a ten percent (10%) charge for the City's administrative costs, shall be charged to and become an indebtedness of the owner of such structure or premises, as well as a lien upon the affected property, as elsewhere provided in this Chapter.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.19)

8.76.101 - Owner's responsibility for enforcement costs.

If the nuisance is not completely abated by the owner as directed within the time frame established by the City Manager, or his designated agent, or as said time frame may be modified on appeal to the Board of Examiners, Appeals and Condemnation or City Council, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of such structure or premises, except as provided below, as well as a lien upon the affected property whether or not the work is performed later by the City, by the owner, or by others. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 17, 1993)

8.76.110 - Abatement by City—Notice.

If the nuisance is not completely abated by the owner within the designated abatement period, the City Manager or such other City official as may be designated by him shall serve notice on the owner of the affected premises by certified mail at his last known address as it appears on the last equalized assessment roll a notice of intent to abate nuisance which shall be substantially in the following form:

NOTICE OF INTENT TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN that an inspection made of the premises or property known and designated as _____

was made on the _____ day of _____, 19_____, and a determination made that the order to abate the nuisance at said premises or property by the Long Beach City Council on _____ had not been complied with. Abatement of said nuisance will be accomplished by either City forces or private contractor in accordance with the specifications attached hereto and costs of such abatement will constitute a lien upon said property until paid. Notice is hereby given that said abatement will be undertaken ten (10) days after the date of this notice, and you are herewith notified to remove from the area of your affected premises those articles you deem of value within said ten-day period of time. Articles removed from the premises in the accomplishment of said abatement will be held in storage for a period of thirty (30) days at (location) and claim for articles removed may be made within said thirty-day period. Articles not claimed and removed from storage location within said thirty-day period will be discarded or will be sold if determined to have value.

A statement of costs incurred in the abatement with charges to be assessed will be mailed to you after completion.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.20)

8.76.120 - Abatement by City—Charges—Statement.

When any nuisance is abated by the City pursuant to this Chapter, or when an owner is responsible for incidental enforcement costs as provided by Section 8.76.101, the City Manager or such other City official as may be designated by him shall prepare a sworn statement showing the cost, including incidental expenses and incidental enforcement costs thereof. The City Manager or such other City official as may be designated by him shall thereupon give notice of the amount of the charges in the same manner as provided in Section 8.76.040. "Incidental expenses" include, but are not limited to, the actual expenses and costs of the City in the preparation of notices, specification and contracts, and inspecting the work, and costs of printing and mailing required under this Chapter.

(Ord. C-7098 § 8, 1993: C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.21)

8.76.130 - Abatement by City—Charges—Hearing.

- A. Within thirty (30) days from the date of service of the notice of charges for abatement, the property owner, or any interested person, may demand a hearing before the Board of Examiners, Appeals and Condemnation as to the reasonableness of the charges. Such demand shall be in writing and filed with the Building Official. Such demand shall be presented by the Building Official to the Board of Examiners, Appeals and Condemnation at its next regular meeting. The Board of Examiners, Appeals and Condemnation shall thereupon set a date for hearing the protest which shall be not less than ten (10) nor more than forty-five (45) days thereafter. The Building Official shall give written notice of the hearing to the address furnished in the demand for hearing. At the time set for the hearing, the Board

of Examiners, Appeals and Condemnation shall hear all evidence pertinent to the reasonableness of the charges and shall then either confirm or modify the charges. The decision of the Board of Examiners, Appeals and Condemnation thereon shall be final.

- B. If the amount of the charges as determined by the Board of Examiners, Appeals and Condemnation has not been paid within sixty (60) days after the date of the hearing, the payment thereof shall thereupon become delinquent and such amount so determined shall thereafter bear interest at the rate of twelve percent (12%) until paid or until filed with the Tax Collector as provided in this Chapter. If no hearing is demanded as to the reasonableness of the charges, the payment thereafter shall become delinquent at the expiration of the time for filing of a demand for a hearing thereon.

(Ord. C-7098 § 9, 1993; Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975: prior code § 4611.22)

8.76.140 - Abatement by City—Charges—Certification to Tax Collector.

Within thirty (30) days thereafter and on July 1st of each year, the City Manager shall certify a list of all delinquent charges for nuisance abatement to the Tax Collector. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the Tax Collector, and the amount of such charges, including such interest as shall have accrued after the delinquent date to July 1st of such year, shall be set forth opposite such description.

(Ord. C-5354 § 1 (part), 1977; Ord. C-5255 § 1 (part), 1975: prior code § 4611.23 (a))

8.76.150 - Abatement by City—Charges—Collection.

Upon receipt of such list the Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as municipal ad valorem taxes and penalties and interest for nonpayment thereafter shall attach as though such amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (b))

8.76.160 - Abatement by City—Sale for delinquent taxes—Charges added to record.

Upon the sale of any lot to the City for nonpayment of taxes, all charges for nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (c))

8.76.170 - Abatement by City—Sale for delinquent taxes—Certificate of redemption.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for nuisance abatement, and penalties entered on the delinquent tax records against the property involved, first have been paid in full

(Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (d))

8.76.180 - Abatement by City—Error correction.

- A. The City Manager may, prior to certifying any such unpaid charges to the Tax Collector, correct any errors with respect to such taxes appearing upon his records.

B.

After such taxes have been certified to the Tax Collector, the Council, by order entered on its minutes, may cancel any charges for nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision, and because of this public ownership not subject to sale for delinquent assessments.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (e))

8.76.190 - Abatement by City—Charges—Refund.

Any charge for nuisance abatement or penalty, or portion of either thereof, which is paid as the result of an erroneous assessment upon the wrong property, or which is paid more than once, or which is based upon a clerical error appearing in the tax records, may be refunded by the Council to the person entitled thereto; provided, however, that such refunds shall only be made upon the written application of the person entitled thereto, which must be filed with the City Clerk not later than one (1) year after the date the erroneous payment was made.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.23 (f))

8.76.200 - Alternative remedies.

It is the intent of the City Council that the provisions and procedures set forth in this Chapter shall not expressly or by implication repeal or supersede any other provisions or procedures of the Long Beach Municipal Code or any other applicable law on the same or related subject matters. This Chapter shall supplement existing procedures and will provide an alternative, nonexclusive procedure for the abatement of a nuisance. Nothing in this Chapter shall preclude or prohibit the City from resorting to any appropriate legal remedy, whether civil or criminal, in the abatement of any nuisance, including any nuisance designated in this Chapter; and when such legal remedy is utilized, the administrative hearing and appeal procedures provided in this Chapter to determine the existence of a nuisance shall not be applicable.

(Ord. C-5354 § 1 (part), 1977: Ord. C-5225 § 1 (part), 1975: prior code § 4611.24)

8.76.205 - Criminal prosecution.

Pursuant to Section 1.32.010 of this Code, any violation of the provisions of this Chapter 8.76 is a misdemeanor, and the notice, hearing, appeal and other administrative procedures contained in this Chapter 8.76 shall not be a condition precedent to any criminal prosecutions.

(Ord. C-6789 § 1, 1990)

8.76.210 - Penalty for violation.

- A. The owner of any building, premises or vehicle who maintains any public nuisance thereon, as defined in this Chapter, or who violates any order of abatement issued by the Board of Examiners, Appeals and Condemnation or the City Council is guilty of a misdemeanor; provided that any violation of Subsections 8.76.010.G, Q, R, and T shall be deemed an infraction.
- B. Any occupant or lessee in possession of any such building or premises who fails to vacate the building or premises in accordance with an order of abatement provided in this Chapter is guilty of a misdemeanor.

- C. Any person who removes any notice or order posted as required in this Chapter is guilty of a misdemeanor.
- D. No person shall obstruct, impede or interfere with any representative of a City department or the Board of Examiners, Appeals and Condemnation, or with any person who owns or holds any estate or interest in a building or premises which has been ordered to be vacated, repaired, rehabilitated, or demolished, whenever any such representative of the City or the Board of Examiners, Appeals and Condemnation, or any person having any interest or estate in such building or premises, is engaged, pursuant to the provisions of this Chapter, in enforcing any such order of abatement.
- E. Those employees of the department of planning and building designated by the Director of Planning and Building are authorized and may issue notices of violation of Section 8.76.010 G, Q, R or T pursuant to the applicable provisions of Section 41103 and other sections of the Vehicle Code relating to the standing or parking of a vehicle. If the notice of violation cannot be attached to the vehicle or other personal property, it may be posted on the front door of the involved premises.

Nothing in this Section is intended to operate to make these employees peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the employees authorized to act pursuant to this Section from public or miscellaneous employees to individual peace officers or safety members or classes of peace officers or safety members.

(Ord. C-6288 § 2, 1986; Ord. C-6099 §§ 1 and 4, 1984; Ord. C-5489 § 1, 1979; Ord. C-5354 § 1 (part), 1977; Ord. C-5225 § 1 (part), 1975; prior code § 4611.25)

8.76.215 - Civil penalty—City abatement more than once.

If the Building Official finds that the City had previously abated a building or premises on the same property after notice to the same owner, he shall assess a civil penalty based on the following schedule abatement again occurred by the City:

Civil penalty: for previous abatement by the City once within the preceding five (5) years: fifty percent (50%) of the City's administrative cost for abatement including processing fees; for previous abatement by the City two (2) or more times within the preceding five (5) years: one hundred percent (100%) of the City's administrative costs for abatement including processing fees.

The City will give notice of this civil penalty to all property owners when abatement procedures are instituted against their properties pursuant to this Chapter.

The imposition of this civil penalty may be appealed to the Board of Examiners, Appeals and Condemnation in the same manner as provided in Section 8.56.120.

The civil penalty constitutes a debt of the person charged to the City and is collectable by the City as an obligation or liability created by statute.

(Ord. C-7050 § 3, 1992)

CHAPTER 8.80 - NOISE

8.80.010 - Policy.

- A. In order to control unnecessary, excessive and annoying noise and vibration in the City, it is declared to be the policy of the City to prohibit such noise and vibration generated from or by all sources as specified in this Chapter. It shall be the policy of the City to maintain quiet in those areas which exhibit low noise levels and to implement programs aimed at reducing noise in those areas within the City where noise levels are above acceptable values.
- B. It is determined that certain noise levels and vibrations are detrimental to the public health, welfare and safety, and are contrary to the public interest. Therefore, the City Council does ordain and declare that creating, maintaining, causing or allowing to be created, caused or maintained, any noise or vibration in a manner prohibited by or not in conformity with the provisions of this Chapter is a public nuisance and shall be punishable as such.
- C. The City Council in adopting this Chapter is aware of the areas of noise control which are preempted by other jurisdictions. Enforcement of these regulations is understood by the City Council to be restricted, in addition to other limitations, by the following:
 - 1. It is not the intent of this Chapter to control aircraft noise at the Long Beach Airport. Federal law controls noise levels of aircraft in flight; and where federal preemption does not apply to aircraft on the ground, the appropriate provisions of the California Noise Law (Title 4, California Administrative Code, Subchapter 6) would be applicable to deal with this subject matter.
 - 2. Local noise control of motor vehicles or motorboats operating on public rights-of-way is preempted by State or federal laws and regulations.
 - 3. Noise in occupational environments is controlled by the California Department of Industrial Relations, whose Division of Industrial Safety enforces the 1973 California Occupational Safety and Health Act (CALOSHA).

(Ord. C-5371 § 1 (part), 1977; prior code § 4430)

8.80.020 - Definitions.

All terminology used in this Chapter, if not defined in this Section, shall have the same meaning as defined by applicable publications of the American National Standards Institute (ANSI), or its successor body.

- 1. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- 2. "Agricultural property" means a parcel of real property which is not developed for any use other than agricultural purposes. Its size shall be construed to be a minimum of ten (10) contiguous acres.
- 3. "Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- 4.

"Commercial area" means any area occupied by businesses which sell, rent, trade, or store goods, or which provide a service.

5. "Commercial purpose" means the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, goods, or services, or for the purpose of attracting the attention of the public, or soliciting patronage of customers to any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating such sound equipment.
6. "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition.
7. "Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.
8. "Decibel (dB)" means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
9. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
10. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
11. "Emergency work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
12. "Fixed noise source" means a stationary device which creates sound while fixed or motionless, including, but not limited to, residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.
13. "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle shall be used.
14. "Impulsive sound" means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.
15. "Industrial area" means any area occupied by land uses whose primary operation involves manufacturing, assembling, processing, or otherwise treating raw materials, semifinished products, or finished products, for packaging and distribution to either wholesale or retail markets.
16. "Intrusive noise" means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
17. "Licensed" means the issuance of a formal license or a permit by a City authority; or, where no permits or licenses are issued, the sanctioning of the activity by the City as noted in the public record.
18. "Mobile noise source" means any noise source other than a fixed noise source.

19. "Motor carrier vehicle engaged in interstate commerce" means any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P. L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.
20. "Motor vehicle" includes any and all self-propelled vehicles as defined in the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said code.
21. "Motorboat" means any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, waterski-towing devices and hovercrafts.
22. "Muffler or sound dissipative device" means a device for abating the sound of escaping gases of an internal combustion engine.
23. "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
24. "Noise control office" means the City agency designated by the City Manager having the lead responsibility and authority to enforce this Chapter and to grant variances.
25. "Noise control officer" means the City official appointed by the City Manager to direct the noise control office.
26. "Noise disturbance" means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
27. "Noise sensitive zone" means any area designated pursuant to Section 8.80.030 for the purpose of insuring exceptional quiet.
28. "Noise source" means a disturbance-causing operation which originates from a single unit or noise generating mechanism which operates simultaneously. Example of a single noise source is the combination of motor, pump, and compressor; oil drilling rig; or a power plant with several boilers.
29. "Noise zone" means defined areas or regions of a generally consistent land use community wherein the ambient noise levels are generally similar (within a range of five (5) decibels). Typically, most sites within any given noise zone will be of comparable proximity to major noise sources.
30. "Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a commercial purpose, including, but not limited to, philanthropic, political, patriotic and charitable purposes.
31. "Person" means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.
32. "Powered model vehicle" means any self-propelled airborne, waterborne, or land-borne plane, vessel or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.
33. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.
34. "Public space" means any real property or structures thereon which are owned or controlled by a governmental entity.

35. "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Chapter, a pure tone shall exist if the one-third ($1/3$) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third ($1/3$) octave bands by five (5) decibels for center frequencies of five hundred (500) hertz and above and by eight (8) decibels for center frequencies between one hundred sixty (160) and four hundred (400) hertz and by fifteen (15) decibels for center frequencies less than or equal to one hundred twenty-five (125) hertz.
36. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person, but not including intra-building real property divisions.
37. "Residential area" means any area wherein the dominant land use is devoted to maintenance, preservation, or propagation of residential dwelling units.
38. "RMS sound pressure" means the square root of the time averaged square of the sound pressure, denoted P_{rms} .
39. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
40. "Sound amplifying equipment" means any machine or device for the amplification of the human voice, or music, or any other sound, excluding standard automobiles when used and heard only by the occupants of the vehicle in which the device is installed and, as used in this Chapter, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
41. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
42. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which satisfies the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.
43. "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.
44. "Sound pressure level" means twenty (20) times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ($20 \times 10^6 \text{ N/M}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.
45. "Sound truck" means any motor vehicle or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
46. "Vibration" means mechanical motion of the earth or ground, building, or other type of structure, induced by the operation of any mechanical device or equipment located upon or affixed thereto. For purposes of this Chapter, the magnitude of the vibration shall be stated as the acceleration in "g" units (1 g is equal to 32.2 ft/sec^2 , $9.81 \text{ meters/sec}^2$).

47. "Weekday" means any day, Monday through Friday, which is not a federal holiday.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.1)

8.80.030 - Administration and enforcement.

The noise control program established by this Chapter shall be administered by the noise control office as designated by the City Manager. An official within the noise control office shall be appointed as the Noise Control Officer and shall be a person with sufficient knowledge of environmental acoustics to enforce noise regulations.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (a))

8.80.040 - Noise control office—Powers.

In order to implement and enforce this Chapter and for the general purpose of noise abatement and control, the noise control office shall have, in addition to any other authority vested in it, the power to:

- A. Studies. Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigation with public or private agencies, and make application for and accept grants;
- B. Education.
 - 1. Conduct programs of public education regarding:
 - a. The cause and effect of noise and general methods of abatement and control of noise, and
 - b. The actions prohibited by this Chapter and the procedures for reporting violations, and
 - 2. Encourage the participation of public interest groups in related public information efforts,
 - 3. Provide for training of field inspectors and other technical personnel concerned with noise abatement (in conformance with standards for technical qualifications as established by the State Office of Noise Control).
- C. Coordination and Cooperation.
 - 1. Coordinate the noise control activities of all municipal departments,
 - 2. Cooperate where practicable with all appropriate State and federal agencies,
 - 3. Cooperate or combine where practicable with appropriate County and municipal agencies,
 - 4. Advise on the availability of low noise emission products for replacement or retrofit of existing or planned City owned or operated equipment,
 - 5. Enter into contract with the approval of the City Manager for the provision of technical and enforcement services;
- D. Actions of Other Departments. Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this Chapter;
- E. Public and Private Projects. On all public and private projects which are likely to cause sound in violation of this Chapter and which are subject to mandatory review or approval by other departments or agencies, or which under the environmental review process are judged to be likely to violate these regulations:
 - 1. Review to determine compliance with the intent and provisions of this Chapter,
 - 2.

Recommend sound analysis which identify existing and projected noise sources and associated sound levels,

3. Recommend usage of adequate measures to avoid violation of any provision of this Chapter;
- F. Inspections. Upon presentation of proper credentials, enter and/or inspect any private property, place, report, or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search or inspection warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this Chapter may exist. Such inspection may include administration of any necessary tests;
- G. Product Performance Standard Recommendations. Develop and recommend (to the City Council or other City agency) provision regulating the use and operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal or State new product regulations;
- H. Noise Sensitive Zone Recommendation and Enforcement. Prepare recommendations to be approved by the City Council, for the designation of noise sensitive zones which contain noise sensitive activities and to enforce the provisions of Sections 8.80.150 through 8.80.180 on City Council designated noise sensitive zones;
- I. Noise Zone Definition. Prepare recommendations, based upon noise survey data and analytical studies, to be approved by the City Council, for the designation of zones of similar ambient environmental noise within regions of generally consistent land use. These zones shall be identified in terms of their day and nighttime ambient noise levels by the classifications given in Section 8.80.160, Table A;
- J. Zoning Changes. Prior to the approval of any zoning change:
 1. Review the noise impact of the zoning change by identifying existing and projected noise sources and the associated sound levels,
 2. Require usage of adequate measures on noise sources identified in subdivision 1 of this subsection which will be in violation of any provision of this Chapter.

(Ord. C-5371 § 1 (part), 1977; prior code § 4430.2 (b))

8.80.050 - Noise Control Officer—Duties.

In order to effectively implement and enforce this Chapter, the Noise Control Officer shall, within a reasonable time:

- A. Investigate and Pursue Violations. Investigate and pursue possible violations of this Chapter;
- B. Delegation of Authority. Delegate functions, where appropriate under this Chapter, to personnel within the noise control office and to other departments, subject to the approval of the City Manager;
- C. Community Noise Element.
 1. Assist in the preparation or revision thereof of the City noise element of the general plan as required by Government Code Section 65302 (g), following guidelines set forth by the State Office of Noise Control,
 2. Assist in or review the total transportation planning of the City, including planning for new roads and highways, bus routes, airports, and other systems for public transportation, to insure that proper consideration is taken with regard to the impact of sound levels and that

the policies set forth in the noise element are adhered to,

3. Provide ongoing assistance to local agencies in determining possible mitigating measures for current or future noise problems;
- D. Airport Noise Exposure. Assist the department of aeronautics in developing a plan for noise compatible land use in the vicinity of the Long Beach Airport and maintain consistency with the provisions and policies of the noise element of the general plan;
- E. State and Federal Laws and Regulations.
 1. Prepare and publish with the approval of the City Council a list of those products manufactured to meet specified noise emission limits under federal, State or community law for which tampering enforcement will be conducted, and
 2. Make recommendations for modification or amendments to this Chapter to insure consistency with all State and federal laws and regulations;
- F. Administer Grants, Funds and Gifts. Administer noise program grants, funds and gifts from public and private sources, including the State and federal governments;
- G. Monitoring Responsibilities. Notwithstanding the preemption by federal and State agencies of the enforcement powers over certain activities, such as those at the Long Beach Airport and at the Long Beach Marine Stadium, the Noise Control Officer shall monitor noise generated by such preempted activities and report any violations of State or federal regulations to the appropriate enforcement agencies and to the City Council.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.2 (c))

8.80.060 - City departments—Policy conformance.

All departments shall, to the fullest extent consistent with their authorities under other ordinances administered by them, carry out their programs in such a manner as to further the policies stated in Section 8.80.010.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (a))

8.80.070 - City departments—Cooperation.

All departments shall cooperate with the noise control office to the fullest extent in enforcing the noise regulations of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (b))

8.80.080 - City departments—Legal compliance.

All departments engaged in any activities which result or may result in the emission of noise, shall comply with federal and State laws and regulations, as well as the provisions of this Chapter, respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (c))

8.80.090 - City departments—Project approval.

Each department whose duty it is to review and approve new projects or changes to existing projects that result, or may result, in the emission of noise shall consult with the noise control office prior to any such approval.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (d))

8.80.100 - City departments—Review of actions.

If at any time the Noise Control Officer has reason to believe that a standard, regulation, or action or proposed standard, regulation or action of any department respecting noise does not conform to the intent of Section 8.80.010, he may request such department to review and report to him on the advisability of revising such standard or regulation to conform.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (e))

8.80.110 - City departments—Contract compliance.

Any written agreement, purchase order, or instrument whereby the City is committed to the expenditure of funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, shall not be entered into unless such agreement, purchase order, or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this Chapter will be operated, constructed, conducted, or manufactured without causing violation of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (f))

8.80.120 - City departments—Low noise emission product use.

Any product which has been certified by the Administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act of 1972 as a low noise emission product and which is determined to be suitable for use as a substitute shall be used in preference to any other product where economically feasible.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.3 (g))

8.80.130 - Disturbing noises prohibited.

- A. Notwithstanding any other provision of this Chapter, and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, a loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- B. The standards which shall be considered in determining whether a violation of the provisions of this Section exist shall include, but not be limited to the following:
 - 1. The sound level of the objectionable noise;
 - 2. The sound level of the ambient noise;
 - 3. The proximity of the noise to residential sleeping facilities;
 - 4. The nature and zoning of the area within which the noise emanates;
 - 5. The density of the inhabitation of the area within which the noise emanates;
 - 6. The time of day or night the noise occurs;
 - 7. The duration of the noise and its tonal, informational or musical content;
 - 8. Whether the noise is continuous, recurrent, or intermittent;
 - 9. Whether the noise is produced by a commercial or noncommercial activity.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.4)

8.80.140 - Noise measurement procedure.

The measurement procedure presented in this Section assumes that personnel performing the noise measurements have been trained in the use of the instruments and in interpretation of measured data. Upon receipt of a complaint from a citizen, the Noise Control Officer, or his agent, equipped with sound level measurement equipment satisfying the requirements specified in Section 8.80.020, shall investigate the complaint. The investigation shall consist of a measurement and the gathering of data to adequately define the noise problem as specified in the California Office of Noise Control Model Enforcement Manual, and shall include the following:

- A. Nonacoustic Data.
 - 1. Type of noise source;
 - 2. Location of noise source relative to complainant's property;
 - 3. Time period during which noise source is considered by complainant to be intrusive;
 - 4. Total duration of noise produced by noise source;
 - 5. Date and time of noise measurement survey.
- B. Procedure. Utilizing the A weighting scale of the sound level meter and the slow meter response, the noise level shall be measured at a position or positions along the complainant's property line closest to the noise source or at the location along the boundary line where the noise level is at a maximum. In general, the microphone shall be located five feet (5') above the ground; ten feet (10') or more from the nearest reflective surface, where possible. However, in those cases where another elevation is deemed appropriate, the latter shall be utilized. If the noise complaint is related to interior noise levels, interior noise measurements shall be made at a point at least four feet (4') from the wall, ceiling or floor nearest the noise source with windows in the normal seasonal configuration. Calibration of the instrument being used shall be performed immediately prior to and following the recording of any noise data utilizing the acoustic calibrator.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.5)

8.80.150 - Exterior noise limits—Sound levels by receiving land use district.

- A. The noise standards for the various land use districts identified by the noise control office as presented in Table A in Section 8.80.160 shall, unless otherwise specifically indicated, apply to all such property within a designated district.
- B. No person shall operate or cause to be operated any source of sound at any location within the incorporated limits of the City or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured from any other property, either incorporated or unincorporated, to exceed:
 - 1. The noise standard for that land use district as specified in Table A in Section 8.80.160 for a cumulative period of more than thirty (30) minutes in any hour; or
 - 2. The noise standard plus five (5) decibels for a cumulative period of more than fifteen (15) minutes in any hour; or
 - 3. The noise standard plus ten (10) decibels for a cumulative period of more than five (5) minutes in any hour; or
 - 4. The noise standard plus fifteen (15) decibels for a cumulative period of more than one (1) minute in any hour; or
 - 5. The noise standard plus twenty (20) decibels or the maximum measured ambient, for any period of time.

- C. If the measured ambient level exceeds that permissible within any of the first four (4) noise limit categories in Subsection B of this Section, the allowable noise exposure standard shall be increased in five (5) decibels increments in each category as appropriate to encompass or reflect the ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category in Subsection B of this Section, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.
- D. If the measurement location is on a boundary between two (2) different districts, the noise level limit applicable shall be the arithmetic mean of the two (2) districts.
- E. If possible, the ambient noise shall be measured at the same location along the property line utilized in Subsection B of this Section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, then the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the offending noise from the source is inaudible. If the difference between the noise levels with noise source operating and not operating is six (6) decibels or greater, then the noise measurement of the alleged source can be considered valid with a small correction applied to account for the contribution of the ambient noise. The correction is to be applied in accordance with data shown in Table B in Section 8.80.160

(Ord. C-5371 § 1 (part), 1977; prior code § 4430.6 (a))

8.80.160 - Exterior noise limits—Correction for character of sound.

In the event that alleged offensive noise contains a steady audible tone such as a whine, screech, or hum, or is a repetitive noise such as hammering or riveting or contains music or speech conveying informational content, the standard limits set forth in Table A shall be reduced by five (5) decibels.

Table A
EXTERIOR NOISE LIMITS

Receiving Land Use District*	Time Period	Noise Level** (dBA)
District One	Night:	
	10:00 p.m.—7:00 a.m.	45
	Day:	
	7:00 a.m.—10:00 p.m.	50
District Two	Night:	
	10:00 p.m.—7:00 a.m.	55
	Day:	
	7:00 a.m.—10:00 p.m.	60

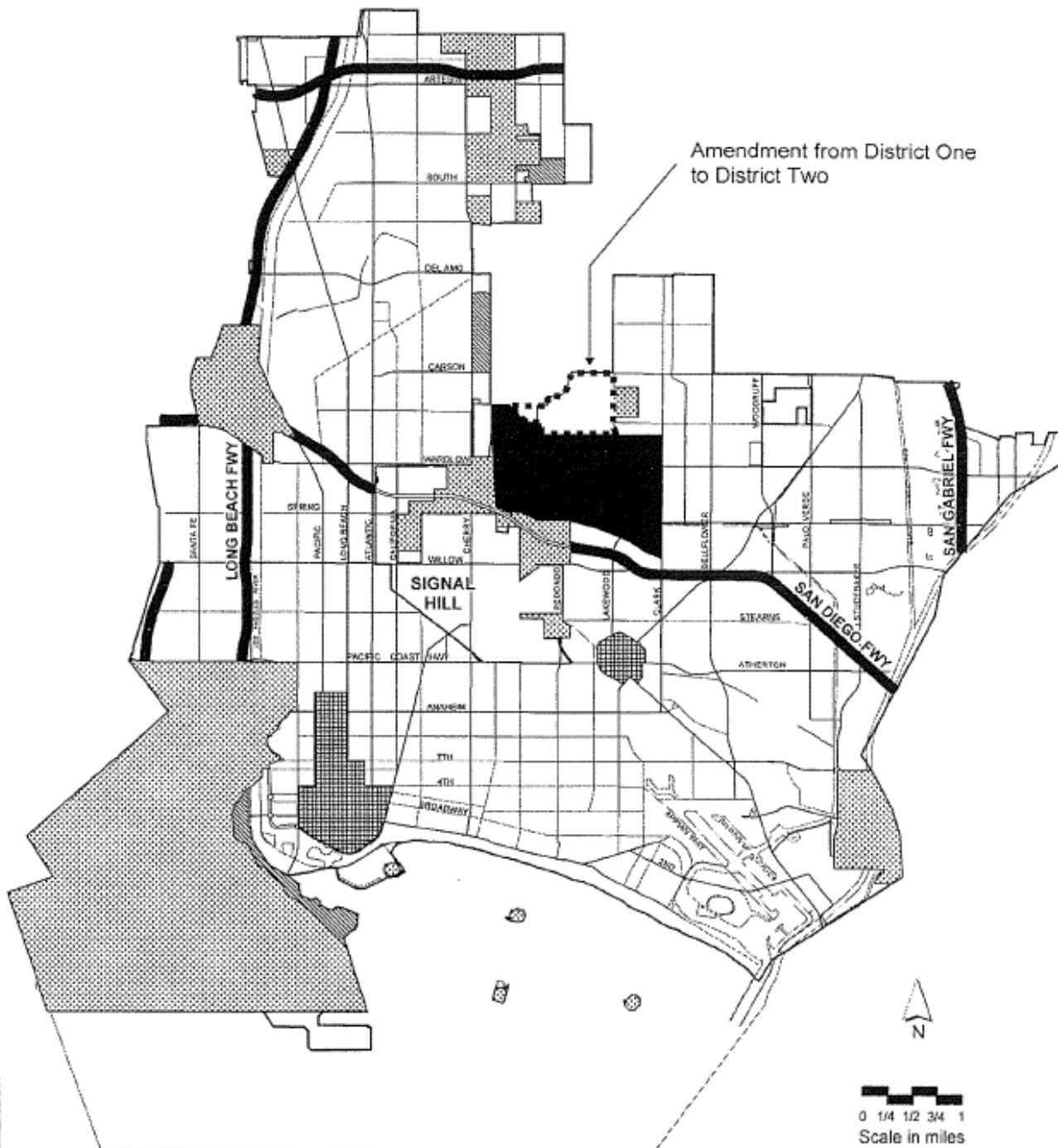
District Three	Any time	65
District Four	Any time	70
District Five	Regulated by other agencies and laws	
*District One:	Predominantly residential with other land use types also present	
District Two:	Predominantly commercial with other land use types also present	
Districts Three and Four:	Predominantly industrial with other land types use also present	
District Five:	Airport, freeways and waterways regulated by other agencies	

** Districts Three and Four limits are intended primarily for use at their boundaries rather than for noise control within those districts.

Table B
BACKGROUND NOISE CORRECTION

Difference between total noise and background noise alone (decibels)	Amount to be subtracted from
6—8	1
9—10	.5

NOISE DISTRICT MAP



* Noise at Long Beach Airport is regulated by State & Federal Laws. It is the responsibility of the Noise Control Officer to address complaints filed against aircraft noise, report all violations to proper enforcing agencies and the Long Beach City Council.

- District 1 - Remainder of the City
- District 2
- District 3
- District 4
- District 5 - Preempted by other Agencies*



8.80.170 - Interior noise limits—Maximum sound levels.

- A. The interior noise standards for various land use districts as presented in Table C shall apply, unless otherwise specifically indicated, within structures located in designated zones with windows in their normal seasonal configuration.

TABLE C

Receiving Land Use District	Type of Land Use	Time Interval	Allowable Interior Noise Level (dBA)
All	Residential	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	35 45
All	School	7:00 a.m.—10:00 p.m. (While school is in session)	45
Hospital, designated quiet zones and noise sensitive zones		Any time	40

- B. No person shall operate, or cause to be operated, any source of sound indoors at any location within the incorporated limits of the City or allow the creation of any indoor noise which causes the noise level when measured inside the receiving dwelling unit to exceed:
1. The noise standard for that land use district as specified in Table C for a cumulative period of more than five (5) minutes in any hour; or
 2. The noise standard plus five decibels (5 dB) for a cumulative period of more than one (1) minute in any hour; or
 3. The noise standard plus ten decibels (10 dB) or the maximum measured ambient, for any period of time.
- C. If the measured indoor ambient level exceeds that permissible within any of the first two (2) noise limit categories in this Section, the allowable noise exposure standard shall be increased in five decibel (5 dB) increments in each category as appropriate to reflect the indoor ambient noise level. In the event the indoor ambient noise level exceeds the third noise limit category, the maximum allowable indoor noise level under said category shall be increased to reflect the maximum indoor ambient noise level.

8.80.180 - Interior noise limits—Correction for character of sound.

In the event the alleged offensive noise contains a steady audible tone such as a whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying information content, the standard limits set forth in Table C in Section 8.80.170 shall be reduced by five decibels (5 dB).

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.7(b))

8.80.190 - Noise disturbances—Prohibited.

No person shall unnecessarily make, continue or cause to be made or continued, any noise disturbance.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.8(a))

8.80.200 - Noise disturbances—Acts specified.

The following acts, and the causing or permitting thereof, are declared to be in violation of this Chapter:

- A. Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound:
 - 1. Between the hours of ten p.m. and seven a.m. the following day in such a manner as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 8.80.150 or 8.80.170 except for activities for which a variance has been issued by the noise control office,
 - 2. In such a manner as to exceed the levels set forth in Table A in Section 8.80.160, measured at a distance of at least fifty feet (50') (fifteen (15) meters) from such device operating on a public right-of-way or public space;
- B. Loudspeakers (amplified sound). Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device between the hours of ten p.m. and seven a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property line, or at any time violates the provisions of Sections 8.80.150 or 8.80.170, except for any noncommercial public speaking, public assembly or other activity for which a variance has been issued by the noise control office;
- C. Street sales. Offering for sale, selling anything or advertising by shouting or outcry within any residential or commercial area or noise sensitive zone of the City except by variance issued by the noise control office. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses or other similar licensed public entertainment events;
- D. Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial real property line or within a noise sensitive zone. This provision shall not apply to public zoos;
- E. Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of ten p.m. and seven a.m. the following day in such a manner as to cause a noise disturbance across a

residential real property line or at any time to violate the provisions of Sections 8.80.150 and 8.80.170

- F. Repealed;
- G. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty feet (150') (forty-six (46) meters) from the source if on a public space or public right-of-way. For the purposes of this subsection, "vibration perception threshold" means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such directed means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be .001 g's in the frequency range 0—30 hertz and .003 g's in the frequency range between thirty and one hundred hertz;
- H. Explosives, firearms and similar devices. Using or firing explosives, firearms, firecrackers or similar devices such that the sound therefrom creates a noise disturbance across a real property line, or within a noise sensitive zone, public space or public right-of-way, without first obtaining a variance issued by the noise control office or other appropriate regulatory agency;
- I. Powered model vehicles. Operating or permitting the operation of powered model vehicles:
 - 1. Between the hours of seven p.m. and seven a.m. the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Sections 8.80.150 or 8.80.170
 - 2. In such a manner as to exceed the levels set forth in Table A in Section 8.80.160 measured at a distance not less than one hundred feet (100') (thirty (30) meters) from any point on the path of a vehicle operating on public space or public right-of-way;
- J. Stationary nonemergency signaling devices.
 - 1. Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten (10) seconds in any hourly period,
 - 2. Houses of religious worship and chimes in the civic center shall be exempt from the operation of this provision,
 - 3. Sound sources covered by this provision and not exempted under Subsection 8.80.200.J.2 of this Section may be exempted by a variance issued by the noise control office;
- K. Emergency signaling devices.
 - 1. The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection 8.80.200.K.2 of this Section,
 - 2.
 - a. Testing of a stationary emergency signaling device shall not occur before seven a.m. or after seven p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed ten (10) seconds,
 - b. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device shall not occur more than once in each calendar month. Such testing shall not occur before seven a.m. or after ten p.m. The time limit specified in Subsection 8.80.200.K.2.a of this Section shall not apply to such complete system testing,

3. Sounding or permitting the sounding of any exterior burglar or fire alarm unless such alarm is automatically terminated within fifteen (15) minutes of activation;

L. Noise sensitive zones.

1. Creating or causing the creation of any sound within any noise sensitive zone, so as to exceed the specified land use noise standards set forth in Sections 8.80.150 and 8.80.170, or
2. Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court or other designated use so as to interfere with the functions of such activity or annoy the patients or participants of such activity;

M. Domestic power tools.

1. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between ten p.m. and seven a.m. the following day so as to create a noise disturbance across a residential or commercial real property line,
2. Any motor, machinery, pump, etc., shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance,
3. Operating leaf blowers, consisting of portable power equipment used in any landscape maintenance, construction, property repair or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings, or trimmings from plants, trees or other debris is unlawful if operated within any residential area or in any nonresidential area within four hundred feet (400') of any residential area in the City between the hours after eight p.m. and before eight a.m. Monday through Friday, after five p.m. and before nine a.m. on Saturdays, and after five p.m. and before eleven a.m. on Sundays and legal holidays. Notwithstanding the provisions of Section 8.80.380, violations of this Subsection 8.80.200.M.3 shall be infractions except as specifically provided in this Section. The first violation in any one (1) year period shall be subject to a fine of fifty dollars (\$50.00); a second violation in any one (1) year period shall be subject to a fine of seventy-five dollars (\$75.00); a third violation in any one (1) year period shall be subject to a fine of one hundred dollars (\$100.00). A fourth or subsequent violation of this Subsection in any one (1) year period may be filed as a misdemeanor. Notwithstanding the provisions of any other Section in this Chapter, the provisions of this subsection may be enforced by a Police Officer;

- N. Air-conditioning or air refrigerating equipment. Operating or permitting the operation of any air-conditioning or air refrigerating equipment in such a manner as to exceed any of the following sound levels measured as specified in the American Society of Heating, Refrigeration and Air Conditioning Engineers Code of Recommended Practices:

Measurement Location	Units Installed Before 1-1-80 dB (A)	Units Installed On Or After 1-1- 80 dB (A)
Any point on neighboring property line, five feet above grade level, no closer than three feet from any wall	60	55
Center of neighboring patio five feet above grade level, no closer than three feet from any wall	55	50

Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface	55	50
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In case of conflict, the interior noise standards as specified in Section 8.80.170 shall nonetheless apply;

- O. Places of public entertainment. Operating or permitting to be operated any loudspeaker or other source of sound in any place of public entertainment that exceeds the levels shown in Table D at any point normally occupied by a customer, without a conspicuous and legible sign stating

"WARNING, SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

Table D
MAXIMUM LEVELS ALLOWED IN PLACES
OF PUBLIC ENTERTAINMENT

Duration Per Day Continuous Hours	Noise Level dB (A)
8	85
6	86
4	88
3	89
2	91
1 ½	92
1	94
½	97
¼ or less	100

- P. Tampering. The following acts or the causing thereof are prohibited:
1. The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any noise control device or element of design or noise label of any product identified under Subsection 8.80.040.G and Subsection 8.80.050.C.

The Noise Control Officer may, by regulation, list those acts which constitute violation of this provision,

2. The use of a product, identified under Subsection 8.80.040.G and Subsection 8.80.050.C, which has had a noise control device or element of design or noise label removed or rendered inoperative with knowledge that such action has occurred.

(Ord. C-7745 § 1, 2001; Ord. C-7175 § 1, 1994; Ord. C-6474 § 2, 1988; Ord. C-6036 § 1, 1984; Ord. C-5371 § 1 (part), 1977: prior code § 4430.8(b))

8.80.202 - Construction activity—Noise regulations.

The following regulations shall apply only to construction activities where a building or other related permit is required or was issued by the Building Official and shall not apply to any construction activities within the Long Beach harbor district as established pursuant to Section 201 of the City Charter.

- A. Weekdays and federal holidays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity which produce loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the hours of seven p.m. and seven a.m. the following day on weekdays, except for emergency work authorized by the Building Official. For purposes of this Section, a federal holiday shall be considered a weekday.
- B. Saturdays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity which produce loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the hours of seven p.m. on Friday and nine a.m. on Saturday and after six p.m. on Saturday, except for emergency work authorized by the Building Official.
- C. Sundays. No person shall operate or permit the operation of any tools or equipment used for construction, alteration, repair, remodeling, drilling, demolition or any other related building activity at any time on Sunday, except for emergency work authorized by the Building Official or except for work authorized by permit issued by the Noise Control Officer.
- D. Owner's/employer's responsibility. It is unlawful for the landowner, construction company owner, contractor, subcontractor or employer of persons working, laboring, building, or assisting in construction to permit construction activities in violation of provisions in this Section.
- E. Sunday work permits. Any person who wants to do construction work on a Sunday must apply for a work permit from the Noise Control Officer. The Noise Control Officer may issue a Sunday work permit if there is good cause shown; and in issuing such a permit, consideration will be given to the nature of the work and its proximity to residential areas. The permit may allow work on Sundays, only between nine a.m. and six p.m., and it shall designate the specific dates when it is allowed.
- F. Enforcement. Notwithstanding the provisions of Sections 8.80.370 and 8.80.380, this Section may be enforced by a Police Officer.

Any person who violates any provision of this Section is guilty of a misdemeanor and shall be fined in an amount not to exceed five hundred dollars (\$500.00), or be imprisoned for a period not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense and shall be punishable as such.

Whenever an employee is prosecuted for a violation of this noise control ordinance, the court shall, at the request of the employee, take appropriate action to make the landowner, construction company owner, contractor, subcontractor or employer a codefendant.

(Ord. C-6488 § 1, 1988; Ord. C-6474 § 1, 1988)

8.80.210 - Refuse collection vehicles.

No person shall collect refuse with a refuse collection vehicle between the hours of seven p.m. and seven a.m. the following day in a residential area or noise sensitive zone.

(Ord. C-5371 § 1 (part), 1981: prior code § 4430.9(a))

8.80.220 - Motor vehicle horns.

It is unlawful for any person within the City to sound a vehicular horn within any residential zone except as a warning signal, as provided in the Vehicle Code of the State.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(b))

8.80.230 - Recreational motorized vehicles operating off the public right-of-way.

No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom violates the provisions of Sections 8.80.150 and 8.80.170. This Section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, amphibious craft, campers, and dune buggies, but not including motorboats.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(c))

8.80.240 - Vehicle, motorboat or aircraft repair and testing.

- A. Repairing, rebuilding, modifying or testing any motor vehicle, motorboat or aircraft in such a manner as to create a noise disturbance across a residential real property line, or at any time to violate the provisions of Sections 8.80.150 or 8.80.170 shall not be permitted except where said activities are directly related to officially sanctioned events.
- B. This provision shall not apply to aircraft within the airport property or within any other aviation-related property abutting it.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.9(d))

8.80.250 - Exemption—Emergencies.

The provisions of this Chapter shall not apply to:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
- B. The emission of sound in the performance of emergency work.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(a))

8.80.260 - Exemption—Oil and gas wells.

The provisions of this Chapter shall not apply to:

- A. Normal well servicing, remedial or maintenance work performed within an existing well which does not involve drilling or redrilling and which is restricted to the hours between seven a.m. and seven p.m., exclusive of weekends and holidays, in residential areas;
- B.

Any drilling or redrilling work which is done in full compliance with Subsection 8.80.040.E and Sections 8.80.060 through 8.80.120, and with the soundproofing and all other requirements of Section 12.32.030

(Ord. C-5576 § 1, 1980; Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(b))

8.80.270 - Exemption—Warning devices.

Warning devices necessary for the protection of public safety as, for example, police, fire and ambulance sirens and train horns shall be exempted from the provisions of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(c))

8.80.280 - Exemption—Entertainment events.

The provisions of this Chapter shall not apply to occasional outdoor or indoor gatherings, public dances, shows and sporting and entertainment events, provided said events are conducted pursuant to a permit or license or other entitlement issued by the City relative to the staging of said events.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (d))

8.80.290 - Exemption—From exterior noise standards.

The provisions of Section 8.80.150 shall not apply to activities covered by the following Sections:

- A. Section 8.80.200 C, street sales;
- B. Section 8.80.200 D, animals and birds;
- C. Section 8.80.200 J, stationary nonemergency signaling devices;
- D. Section 8.80.200 K, emergency signaling devices;
- E. Section 8.80.200 M, domestic power tools;
- F. Section 8.80.200 N, air conditioning or air refrigerating equipment; and
- G. Section 8.80.210, refuse collection vehicles.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (e))

8.80.300 - Abatement of nonconforming industrial noise sources.

- A. Intent. It is the intent of this Section to recognize that the eventual abatement, as expeditiously and as fairly as possible, of existing noise sources that are not in conformity with the provisions of this Chapter is as important as the prohibition of new noise sources that would violate the provisions of this Chapter. It is the intent of this Section that any abatement of nonconforming industrial noise sources shall be effected so as to avoid any undue hardship.
- B. Abatement. All existing nonconforming industrial noise sources shall be granted an amortization period of ten (10) years from the effective date of this Chapter to bring their existing facilities into compliance with this Chapter; provided, that:
 - 1. They are located in industrial districts delineated in the City zoning ordinance or are located in accordance with a valid special use permit at the time of adoption of this Chapter;
 - 2. They are not changed to another industrial use during the amortization period;
 - 3. They are not altered so as to increase or intensify their noise generation;
 - 4. If they are structurally expanded during the amortization period, the new portion must immediately meet the standards of this Chapter;
 - 5.

If they should be rebuilt after damage or destruction of more than fifty percent (50%) of the preexisting value, they must be rebuilt in such a manner as to immediately meet the standards of this Chapter.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (f))

8.80.310 - Exemption—Federal or State preempted activities.

The provisions of this Chapter shall not apply to any other activity to the extent regulation thereof has been preempted by State or federal law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10(g))

8.80.320 - Conflicting regulations.

- A. These regulations are not intended to abrogate or impair the provisions of any other section of this Code which is not in conflict with the provisions of this Chapter. However, where these regulations are more restrictive than those of other laws, regulations or covenants, these regulations shall control.
- B. Upon written request, the noise control office is authorized to issue official interpretations of this Chapter without public hearing.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (h))

8.80.330 - Exemption—Public health, welfare and safety activities.

The provisions of this Chapter shall not apply to construction maintenance and repair operations conducted by public agencies and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including, but not limited to, street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catchbasins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.10 (i))

8.80.340 - Variance—Exemption from regulations.

- A. The Noise Control Officer is authorized to grant variances for exemption from any provision of this Chapter, subject to limitations as to area, noise levels, time limits, and other terms and conditions as the Noise Control Officer determines are appropriate to protect public health, safety and welfare from the noise emanating therefrom. This Section shall in no way affect the obligation to obtain any permit or license required by law for such activities.
- B. Any person seeking a variance shall file an application with the noise control office. The application shall contain information which demonstrates that bringing the source of sound or activity for which the variance is sought into compliance with this Chapter would create an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee in the amount set by resolution of the City Council. A separate application shall be filed for each noise source; provided, however, that several fixed sources on a single property may be combined into one (1) application. Notice of an application for a variance shall be published according to rules established by the noise control office; all residents whom the Noise Control Officer determines may be adversely affected by the noise shall be notified. Any individual who claims to be adversely affected by the issuance of the variance may file a statement with the noise control office containing any information to support his claim. If at any time the Noise Control Officer finds that a sufficient controversy exists regarding an application, a public hearing will be held.

- C. In determining whether to grant or deny the application, the Noise Control Officer shall balance the hardship on the applicant, the community, or other persons by not granting the variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact by granting the variance. Applicants for variances and persons contesting variances may be required to submit such information as the noise control office may reasonably require. In granting or denying an application, the Noise Control Officer shall keep a public record of the decision and the reasons for denying or granting the variance.
- D. A variance shall be granted by written notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance.
- E. The term of a variance may not exceed three hundred sixty-five (365) days from the date of issuance. An application for extension of time limits specified in a variance or for modification of other substantial conditions shall be treated as an application for a new variance.
- F. The Noise Control Officer will issue guidelines defining the procedures to be followed in applying for a variance and the criteria to be considered in deciding whether to grant a variance.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(a))

8.80.350 - Variance—Time to comply.

Within ninety (90) days following the effective date of this Chapter, the owner of any commercial or industrial source of sound may apply to the noise control office for a time variance to comply with the provisions of this Chapter. The Noise Control Officer shall have the authority, consistent with these Sections 8.80.340 through 8.80.360, to grant a time variance (not to exceed one hundred eighty (180) days from the effective date of this Chapter). The same procedures and considerations by the Noise Control Officer as provided in Section 8.80.340 shall likewise apply.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(b))

8.80.360 - Variance—Appeal to decision.

Within ten (10) days after notice by the Noise Control Officer or denial or conditional approval of a variance, or within ten (10) days after the effective date of the revocation of a variance by the Noise Control Officer, the affected person may appeal to the City Council, in writing. The City Council, after notice and a public hearing, may sustain, reverse or modify the decision of the Noise Control Officer; such order may be made subject to specified conditions.

- A. Filing Fee. The appeal shall be filed in triplicate with the City Clerk at the City Hall, 333 West Ocean Boulevard, Long Beach, California, along with the payment of a fee in the amount set by resolution of the City Council. A copy of the appeal shall also be served on the Noise Control Officer.
- B. Contents of Appeal. An appeal to review a denial or conditional approval of a variance shall contain the application, a copy of the Noise Control Officer's action setting forth the reasons for the denial or the conditions of the approval, and the reasons for appeal. An appeal to review a variance revocation shall include a copy of the variance, the Noise Control Officer's revocation notice, and his reasons for revocation, and the reasons for appeal.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.11(c))

8.80.370 - Violation—Presumed.

Any noise exceeding the level limit which can be attributed to a specific facility in a designated noise district as specified in Sections 8.80.150 through 8.80.180, or the prohibited actions specified in Sections 8.80.190 and 8.80.200 shall be presumed to be a violation of the provisions of these regulations. Enforcement of noise control regulations shall be undertaken only upon receipt of a written sworn complaint made by a person who resides or owns property within the noise district into which the alleged noise intrudes.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(a))

8.80.380 - Violation—Penalty.

Any person found in violation of any of the provisions of this Chapter upon a documented determination and the failure to comply with an abatement order or other notice issued by the Noise Control Officer and subsequently convicted in a court of competent jurisdiction for such violation will be deemed guilty of a misdemeanor and shall be fined in an amount not to exceed five hundred dollars (\$500.00), or be imprisoned for a period not to exceed one hundred eighty (180) days, or by both such fine and imprisonment. Each day (after the Noise Control Officer has made a documented determination and has issued an abatement order) that a violation is permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(b))

8.80.390 - Violation—Abatement order.

- A. Except as provided in Subsection 8.80.390.B, in lieu of issuing a notice of violation as provided in Section 8.80.400, the Noise Control Officer may issue an order requiring the abatement of a sound source alleged to be in violation within a reasonable time period and according to guidelines adopted by the noise control office.
- B. An abatement order shall not be issued for any violation when the Noise Control Officer or other enforcement agency has reason to believe that there will not be compliance with an abatement order.
- C. No further action shall be taken in the event that the cause of the violation has been removed and the condition abated or fully corrected within the time period specified in the written notice.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(c))

8.80.400 - Violation—Notice.

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Subsection 8.80.390.A, violation of any provision of this Chapter shall be cause for a notice of violation to be issued by the Noise Control Officer or other responsible enforcement official according to procedures which the noise control office may prescribe. Thereafter, the City may resort to any other appropriate legal action as provided by law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(d))

8.80.410 - Violation—Additional remedies.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Chapter, which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this Chapter, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or

injunction issued by a court of competent jurisdiction. Additionally, no provision of this Chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Chapter or from other law.

(Ord. C-5371 § 1 (part), 1977: prior code § 4430.12(e))

CHAPTER 8.85 - UNDERGROUND AND ABOVE GROUND STORAGE TANKS

8.85.010 - Creation of Long Beach/Signal Hill CUPA.

The purpose of this Chapter is to designate the Long Beach/Signal Hill CUPA as the Unified Program Agency for purposes of enforcing and assuming responsibility for the regulation of the underground storage of hazardous substances within Long Beach, and as the local agency enforcing the spill prevention control and countermeasure plan requirements mandated for above ground storage tanks under State law.

(Ord. C-7483 § 1, 1997)

8.85.020 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

- A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.
- B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 1, 1997)

8.85.030 - Designation of Long Beach/Signal Hill CUPA as local agency for underground storage tanks.

The City designates the Long Beach/Signal Hill CUPA as its "local agency" pursuant to Section 25283 and Chapter 6.11 of Division 20 of the California Health and Safety Code, to be the responsible governmental agency for purposes of implementing and enforcing Chapters 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations, and other related statutes and regulations, all as may be amended from time to time. The Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those set forth under State law, in accordance with California Health and Safety Code Section 25283.5. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this Section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 1, 1997)

8.85.040 - Designation of Long Beach/Signal Hill CUPA as Unified Program Agency for above ground storage tanks.

The City designates the Long Beach/Signal Hill CUPA as the Unified Program Agency to enforce the spill prevention control and countermeasure plan requirements of Chapter 6.67 of Division 20 of the California Health and Safety Code, Section 25270.5(c), and as the Uniform Program Agency under other related statutes and regulations, all as may be amended from time to time. As permitted by State law, the

Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA shall administer its responsibilities under this Section pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 1, 1997)

8.85.050 - Fees.

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall pay those fees established by the Long Beach/Signal Hill CUPA by Ordinance or Resolution, for purposes of implementing Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code, and all other provisions related thereto, along with all applicable regulations thereunder, including Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations.

(Ord. C-7483 § 1, 1997)

8.85.060 - Violations.

All persons and businesses governed by Chapters 6.67, 6.7 and 6.75 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder, including, but not limited to, Chapters 16 and 18 of Division 3 of Title 23 of the California Code of Regulations. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and this Code, including restitution and injunctive relief.

(Ord. C-7483 § 1, 1997)

CHAPTER 8.86 - HAZARDOUS MATERIALS RELEASE RESPONSE PLANS AND INVENTORY

8.86.010 - Definitions.

The words and phrases listed below shall be defined as provided in this Section. All other words and phrases not defined in this Section shall have the same meaning as defined in Section 25501 of the California Health and Safety Code, and if not defined therein shall be interpreted in accordance with their plain and ordinary meaning.

- A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.
- B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 2, 1997)

8.86.020 - Delegation of administrative responsibility.

The City designates the Long Beach/Signal Hill CUPA as the administering agency for Long Beach for the enforcement and regulation of Chapter 6.95 of Division 20 of the California Health and Safety Code and Article 80 of the Uniform Fire Code and all applicable regulations thereunder, as such may be amended from time to time. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. Long Beach/Signal Hill CUPA shall administer its responsibilities under this Chapter pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 2, 1997)

8.86.030 - Fees.

All persons and businesses governed by Chapter 6.95 of Division 20 of the California Health and Safety Code shall pay those fees established by the Long Beach/Signal Hill CUPA by Ordinance or Resolution, for purposes of implementing Chapter 6.95 of Division 20 of the California Health and Safety Code, and all other provisions related thereto, along with all applicable regulations thereunder.

(Ord. C-7483 § 2, 1997)

8.86.040 - Violations.

All persons and businesses governed by Chapter 6.95 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and under this Code, including restitution and injunctive relief.

(Ord. C-7483 § 2, 1997)

CHAPTER 8.87 - HAZARDOUS WASTE CONTROL

8.87.010 - Purpose and intent.

The purpose of this Chapter is to designate the Long Beach/Signal Hill CUPA as the administering agency for the enforcement and regulation of Chapter 6.5 of Division 20 of the California Health and Safety Code, and the applicable requirements thereunder, within the jurisdiction of the City.

(Ord. C-7483 § 3, 1997)

8.87.020 - Definitions.

- A. "JPA" or "Joint Powers Agreement" means that agreement executed by the Cities of Long Beach and Signal Hill on December 21, 1995 entitled "Joint Powers Agreement Creating a Long Beach/Signal Hill Unified Program Agency", as such Agreement may be amended from time to time.
- B. "Long Beach/Signal Hill CUPA" means the Long Beach/Signal Hill Unified Program Agency created by the JPA and certified by the Secretary of the California Environmental Protection Agency.

(Ord. C-7483 § 3, 1997)

8.87.030 - Designation of Long Beach/Signal Hill CUPA.

The City designates the Long Beach/Signal Hill CUPA as the Certified Unified Program Agency for Long Beach for the purpose of enforcing the requirements of Chapter 6.5 of Division 20 of the California Health and Safety Code and the regulations related thereto, as provided for under Section 25404(c)(1) of the California Health and Safety Code. As permitted by State law, the Long Beach/Signal Hill CUPA may adopt and enforce requirements which are equal to or more stringent than those referenced to herein. The City Clerk shall cause to be filed three (3) copies of such equal or more stringent requirements with the Clerk's office, and these copies shall be maintained at all times by the City Clerk for use and examination by the public. The Long Beach/Signal Hill CUPA under this Chapter shall administer its responsibilities pursuant to the JPA. The designation of authority granted hereunder may be modified or rescinded at any time by modification or repeal of this Section.

(Ord. C-7483 § 3, 1997)

8.87.040 - Fees.

All persons and businesses shall pay those fees established by the Long Beach/Signal Hill CUPA, by Ordinance or Resolution, for purposes of implementing and carrying out the responsibilities of the Certified Unified Program Agency under Chapter 6.5 of Division 20 of the California Health and Safety Code and all applicable regulations thereunder.

(Ord. C-7483 § 3, 1997)

8.87.050 - Violations.

All persons and businesses governed by Chapter 6.5 of Division 20 of the California Health and Safety Code shall comply with such provisions and the regulations thereunder. Any violation of this Chapter and the provisions of State law referenced in this Chapter is a violation of this Code and is subject to civil and criminal fines, penalties and other remedies as provided for under State law and under this Code, including restitution and injunctive relief.

(Ord. C-7483 § 3, 1997)

CHAPTER 8.88 - HAZARDOUS MATERIALS—CLEANUP

8.88.010 - Purpose.

The purpose of this Chapter is to require compliance with the hazardous waste control laws and to require proper cleanup methods and procedures for spills of hazardous material.

(Ord. C-6266 § 1 (part), 1986)

8.88.020 - Scope.

This Chapter shall apply to all sites where a hazardous material spill has occurred. The extent of the site characterization shall be defined by the Health Officer.

After the site characterization is completed, the property owner, applicant or other responsible party shall clean up the spill by complying with the remediation requirements of this Chapter. The extent of the site remediation shall be defined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.030 - Definitions.

The words and terms used in this Chapter shall have the meanings indicated in this Section as follows:

- A. "Site" means the location of the spill or escape of hazardous materials under investigation.
- B. "Hazardous waste" means any material(s) as defined to be hazardous in Title 22 of the California Administrative Code.
- C. "Characterization" means the process of determining the qualitative and quantitative nature of a hazardous waste spill or escape into the environment.
- D. "Remediation" means the process of abating the spill or escape of a hazardous material.
- E. "Hazardous waste control laws" mean those laws and regulations which are adopted by the State of California and the City of Long Beach which are enforced by the Health Officer or other departments of the City.
- F. "Health Officer" means the Health Officer of the City of Long Beach and any deputy Health Officer or designee.
- G. "Initial report" means documentation proposing what remedial actions will be taken for abatement and the justification of these actions.
- H. "Final report" means documentation showing the conclusions or findings reached on proposed actions and the justification for these conclusions or findings.

(Ord. C-6266 § 1 (part), 1986)

8.88.040 - Site characterization.

- A. A site characterization is required whenever there is a suspected escape or spill of hazardous material into the environment or for the purpose of determining applicability of the hazardous waste control laws. No person, firm or corporation shall engage in the process of site characterization until a permit has been issued pursuant to this Chapter.

- B. Application for a site characterization permit and the permit fee designated by resolution of the City Council shall be filed with the Health Officer. In addition, documentation showing the qualifications of the person(s) performing the site characterization must be submitted. No person, firm or corporation shall engage in site characterization without the appropriate education, experience, equipment and professional certification, as determined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.050 - Site remediation.

- A. Site remediation is required whenever it is determined that there was an escape or spill of hazardous material into the environment. No person, firm or corporation shall engage in the process of site remediation until a permit has been issued pursuant to this Chapter.
- B. Application for a site remediation permit and the permit fee designated by resolution of the City Council shall be filed with the Health Officer. In addition, documentation showing the qualifications of the person(s) performing the site remediation must be submitted. No person, firm or corporation shall engage in site remediation without the appropriate education, experience, equipment and professional certification, as determined by the Health Officer.

(Ord. C-6266 § 1 (part), 1986)

8.88.060 - Initial and final reports.

Initial and final reports shall be submitted for both site characterization and site remediation, and the Health Officer shall determine their compliance with the hazardous waste control laws.

(Ord. C-6266 § 1 (part), 1986)

CHAPTER 8.90 - ALCOHOLIC BEVERAGES—WARNING SIGNS

8.90.010 - Signs—Dangers of consuming alcoholic beverages during pregnancy.

- A. Duty to Post. Any person or entity who owns, operates, manages, leases or rents a premises offering for sale or dispensing for consideration to the public, alcoholic beverages including beer and wine shall post or display a sign or notice on the premises as provided in this Section.
- B. Requirements. The sign or notice shall comply with the readability requirements specified in this Section and shall read substantially as follows: "WARNING: DRINKING ANY ALCOHOLIC BEVERAGE—INCLUDING BEER, WINE AND LIQUOR—DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

The telephone number of the Long Beach Health Department shall be printed near the bottom of the sign. The word "WARNING" shall be highlighted and lettered in red against a white background, and black letters shall be used for the rest of the sign. The words "ANY" and "BIRTH DEFECTS" shall be underscored. In no event shall a sign as required in this Section be smaller than eight inches (8") wide and eight inches (8") long, and the lettering shall not be less than one inch (1") in height, except for the telephone number of the Long Beach Health Department.

- C. Placement. The sign or notice required by this Section shall be placed as follows:
 - 1. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily intended for consumption off the premises, at least one (1) sign shall be placed to assure that it is readable from all locations at which the sale or dispensing occur.
 - 2. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided through over-the-counter service, at least one (1) sign shall be placed to assure that it is readable from all counter locations available to the public.
 - 3. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one (1) sign shall be placed to assure that it is readable by the public entering the premises; provided however, that notices may be placed or displayed at each of the tables in a manner which will assure that the notices are as readily visible and readable as materials provided to the public which list food and beverage prices.

(Ord. C-6373 § 1, 1987)

CHAPTER 8.94 - AIDS DISCRIMINATION

8.94.010 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- A. "AIDS" shall mean the disease or syndrome known as Acquired Immune Deficiency Syndrome as defined by the United States Centers for Disease Control.
- B. "AIDS related condition" means a clinical finding of AIDS Related Complex (ARC) or the testing of positive to the antibody to the virus believed to result in AIDS, sometimes known as HIV, HTLV-III, or LAV, regardless of whether any clinical manifestations of AIDS or ARC are present. A person with an AIDS related condition shall also include a person perceived to have AIDS, ARC or to have tested positive to the antibody to the virus that is believed to result in AIDS, regardless of the accuracy of this perception.
- C. "Business establishment" means any entity, other than the state or local governmental entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (1) consist only of payment of fees; or (2) consist of requirements under which a substantial portion of residents of the City qualify.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization, association, or group of persons however organized, but shall not include the State or the County of Los Angeles.
- E. "Individual" means any natural person.

(Ord. C-6635 § 1 (part), 1989)

8.94.020 - Employment practices.

- A. It shall be unlawful for any employer to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because in whole or in part, the individual has AIDS or an AIDS related condition.
- B. It shall be unlawful for an employer to limit, segregate, or classify employees or applicants for employment in any manner which would deprive or tend to deprive any individual of employment opportunities, or adversely affect his or her employment status because, in whole or in part, the individual has AIDS or an AIDS related condition.
- C. It shall be unlawful for an employment agency to fail or refuse to refer for employment any individual or to otherwise discriminate against any individual because, in whole or in part, the individual has AIDS or an AIDS related condition.
- D. It shall be unlawful for a labor organization to fail or refuse to include in its membership or to otherwise discriminate against any individual, to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment, any individual in any way which would deprive or

tend to deprive such individual of employment opportunities, or to otherwise adversely affect an individual's status as an employee or as an applicant for employment because, in whole or in part, the individual has AIDS or an AIDS related condition.

- E. It shall be unlawful for an employer, an employment agency or labor organization to discriminate against any individual in admission to, or employment in, any program established to provide apprenticeship, or other training or retraining, including any on-the-job training program, because, in whole or in part, the individual has AIDS or an AIDS related condition.
- F. Nothing contained in this Section shall be deemed to prohibit selection, rejection, or termination based upon a bona fide occupational qualification. In any action brought under this Chapter, if a party asserts that any otherwise unlawful practice is justified as a bona fide occupational qualification, that party shall have the burden of proving: (1) that the discrimination is in fact a necessary result of a bona fide occupational qualification; and (2) that there exists no less discriminatory means of satisfying the occupational qualifications.
- G. Nothing contained in this Chapter shall make it unlawful for an employer to observe the conditions of a bona fide employee benefit system, provided such system or plan is not a subterfuge to evade the purposes of this Chapter. No such system shall provide an excuse for failure to hire any individual.
- H. No part of this Section shall apply to the employment of individuals to perform services in the place of residence of the employer.

(Ord. C-6635 § 1 (part), 1989)

8.94.030 - Housing and other real estate transactions.

- A. It shall be unlawful for any person to interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including but not limited to the rental thereof, to require different terms for such transaction, to include in the terms or conditions of a transaction in real property any clause, condition or restriction, or to falsely represent that an interest in real property is not available for transaction because, in whole or in part, the individual has AIDS or an AIDS related condition.
- B. Nothing in this Chapter shall be construed to apply to the rental or leasing of any housing unit in which the owner or lessor or any member of his or her family occupies all or a portion of the same living unit in common with the prospective tenant.

(Ord. C-6635 § 1 (part), 1989)

8.94.040 - Business establishments.

It shall be unlawful for any person to deny any individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any business establishment because, in whole or in part, the individual has AIDS or an AIDS related condition.

(Ord. C-6635 § 1 (part), 1989)

8.94.050 - City facilities and services.

Notwithstanding any other provision of this Chapter, it shall be an unlawful practice for any person to deny any person the full and equal enjoyment of, or to impose different terms and conditions on the availability of: (1) use of any City facility or City service because, in whole or in part, the individual has AIDS or an AIDS related condition; or (2) any service, program or facility wholly or partially funded or otherwise supported by the City because, in whole or in part, the individual has AIDS or an AIDS related condition. This Section shall not apply to any facility, service or program which does not receive any assistance from the City which is not provided to the public generally.

(Ord. C-6635 § 1 (part), 1989)

8.94.060 - Contracts to include nondiscrimination provisions.

Notwithstanding any other provision of this Chapter, all contracting agencies of the City, or any department thereof, acting for or on the behalf of the City, shall include in all contracts, franchises, leases, concessions or other agreements involving real or personal property, hereafter negotiated, let, awarded, granted, renegotiated, extended or renewed, in any manner or as to any portion thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party of said agreement not to discriminate against persons having AIDS or an AIDS related condition.

(Ord. C-6635 § 1 (part), 1989)

8.94.070 - Advertising.

It shall be unlawful for any person to make, print, publish, advertise, or disseminate in any way any notice, statement or advertisement with respect to any of the acts mentioned in this Chapter, which indicates an intent to engage in any unlawful practice as set forth in this Chapter.

(Ord. C-6635 § 1 (part), 1989)

8.94.080 - Retaliation.

It shall be unlawful for any person to do any of the acts prohibited in this Chapter or to retaliate against a person because a person: (1) has opposed any act or practice made unlawful by this Chapter; or (2) has supported this Chapter and its enforcement; or (3) has testified, assisted or participated in any way in any investigation, proceeding, or litigation under this Chapter.

(Ord. C-6635 § 1 (part), 1989)

8.94.090 - Liability.

Any person who violates any of the provisions of this Chapter or who aids in the violation of any provisions of this Chapter, shall be liable for, and the court shall award to any individual whose rights are violated, actual damages, Attorney's fees and costs. In addition, the court may award punitive damages in the sum of five hundred dollars (\$500.00) or such greater sum as may be provided.

(Ord. C-6635 § 1 (part), 1989)

8.94.100 - Enforcement.

- A. Civil Action. Any aggrieved person may enforce the provisions of this Chapter by means of a civil action.
- B. Injunction. Any person who commits, or proposes to commit, an act in violation of this Chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this Subsection may be brought by any aggrieved person, by the City Attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.
- C. Survival of Cause of Action. Any cause of action authorized hereunder shall survive the death of the person alleging discrimination and may be pursued in the name of the estate of the deceased person.

(Ord. C-6635 § 1 (part), 1989)

8.94.110 - Limitation on action.

Actions under this Chapter must be filed within one (1) year of the alleged discriminatory acts.

(Ord. C-6635 § 1 (part), 1989)

8.94.120 - Preemption.

This Chapter shall not apply to any act of discrimination to the extent that regulation of such act is preempted by State or Federal law.

(Ord. C-6635 § 1 (part), 1989)

8.94.130 - Exceptions.

- A. No part of this Chapter shall apply to any bona fide religious organization.
- B. No part of this Chapter shall apply where a course of conduct is pursued which is necessary to protect the health or safety of the general public.
 - 1. Burden of Proof. In any action brought under this Chapter, if a party asserts that an otherwise unlawful discriminatory practice is justified as necessary to protect the health or safety of the general public, that party shall have the burden of proving: (a) that the discrimination is in fact a necessary result of a necessary course of conduct pursued to protect the health or safety of the general public; and (b) that there exists no less discriminatory means of satisfying the necessary protection of the health or safety of the general public.
 - 2. Compliance with Department of Health and Human Services Guidelines. Within the meaning of this Section a practice is deemed necessary to protect the health or safety of the general public if that practice is consistent with the United States Department of Health and Human Services Guidelines entitled "Recommendations for Preventing Transmission of Infection with Human T-Lymphotropic Virus Type 111, Lymphadenopathy—Associated Virus in the Workplace", published in November, 1985, and any supplemental guidelines as they may be issued.

(Ord. C-6635 § 1 (part), 1989)

8.94.140 - Severability.

If any part or provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

(Ord. C-6635 § 1 (part), 1989)

CHAPTER 8.95 - DOMESTIC PARTNERSHIP REGISTRATION

8.95.010 - Definition.

"Domestic partners" means two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.

(Ord. C-7460 § 1, 1997)

8.95.020 - Domestic partnership.

A domestic partnership shall exist between two (2) persons if all of the following are true:

- A. They reside together. (Reside together means that two (2) people share the same place to live. It is not necessary that the legal right to possession be in both of their names. Two (2) people may reside together even if one (1) or both have additional places to live. Domestic partners do not cease to reside together if one (1) leaves the shared place but intends to return.)
- B. Neither is legally married or a member of another domestic partnership.
- C. They are not related by blood such that would bar marriage in the State of California.
- D. They share the common necessities of life and consider themselves responsible for each other's welfare.
- E. They are eighteen (18) years of age or older.
- F. They have filed a Statement of Domestic Partnership as described in this Chapter.

(Ord. C-7460 § 1, 1997)

8.95.030 - Statement of Domestic Partnership.

Domestic partners shall make an official record of their domestic partnership by completing and filing with the City Clerk a Statement of Domestic Partnership as provided by the City Clerk in substantially the following form:

"STATEMENT OF DOMESTIC PARTNERSHIP

WE, THE UNDERSIGNED, DO DECLARE THAT:

1. We live together.
2. Neither of us is legally married or a member of another domestic partnership.
3. We are not related by blood.
4. We share the common necessities of life and we are responsible for each other's welfare.
5. We are both 18 years of age or older.
6. We agree to notify the City of the termination of our domestic partnership agreement.
7. (Optional) We are each other's domestic partner and declare under penalty of perjury under the laws of the State of California that the statements above are true and correct.

Executed on _____, 19 _____, at _____, California.

Signed; _____

Print Name _____

Address _____"

Such form shall be signed under penalty of perjury by both domestic partners and either or both partner(s) shall file it with the City Clerk.

(Ord. C-7460 § 1, 1997)

8.95.040 - Termination of domestic partnership.

A domestic partnership shall be deemed terminated by either:

- A. The death of either domestic partner; or
- B. The filing with the City Clerk of a Notice of Termination of Domestic Partnership in the following form:

"NOTICE OF TERMINATION OF A
DOMESTIC PARTNERSHIP

THE UNDERSIGNED, DO/DOES DECLARE THAT:

1. _____ (Name of the individual as shown on Statement of Domestic Partnership) and I are no longer domestic partners, and;
2. I mailed my former domestic partner a copy of this notice at _____ on _____, 19 _____.

I declare under penalty of perjury under the laws of the State of California that the statements above are true and correct.

Executed on _____, 19 _____, at _____, California.

Signed _____

Print Name _____

Address _____

Phone _____"

(Ord. C-7460 § 1, 1997)

8.95.050 - Maintenance of records.

The City Clerk shall maintain adequate records of statements of domestic partnerships or notices of termination which have been created or terminated by the domestic partners.

(Ord. C-7460 § 1, 1997)

8.95.060 - Fees.

The City Clerk shall charge a fee for the filing of the statement of domestic partnership, which fee shall be determined by resolution of the City Council. Payment of this fee entitles the person(s) filing a declaration on behalf of the domestic partnership to have two (2) copies of the declaration certified by the City Clerk. Certification of additional copies of the statement of domestic partnership or any copies of the notice of termination of domestic partnership shall cost an amount per copy to be determined by resolution of the City Council.

(Ord. C-7460 § 1, 1997)

8.95.070 - Civil actions.

Any person defrauded by a false statement contained in a statement of domestic partnership or notice of termination may bring a civil action for fraud to recover his or her losses.

(Ord. C-7460 § 1, 1997)

8.95.080 - Retaliation.

It shall be unlawful for any person or entity to discriminate against any person who seeks the benefits of this Chapter or who assists someone in obtaining the benefits of this Chapter.

(Ord. C-7460 § 1, 1997)

8.95.090 - Healthcare facilities visitation rights.

All hospitals, convalescent care facilities, residential care facilities, hospices and other long-term and short-term care facilities shall allow a domestic partner to visit, at the discretion of the patient, unless all visitors are prohibited.

Proof of such domestic partnership shall be in substantially the form provided by the City Clerk. Any facility which requires a declaration of proof of domestic partnership shall accept, but may not require anyone to submit, a copy of a statement of domestic partnership which has been filed with the City Clerk.

(Ord. C-7460 § 1, 1997)

8.95.100 - Jail visitation rights.

City jails shall allow a domestic partner to visit an inmate unless: (a) the applicable rules prohibit all visitors, or (b) the Police Department decides that a particular visitor is a threat to the security of the jail.

(Ord. C-7460 § 1, 1997)

8.95.110 - Durable power of Attorney.

At the time of filing of a statement of domestic partnership, the individuals might consider a durable power of Attorney for:

- A. Healthcare, provided that any such document complies with applicable California law;
- B. Any authorized purposes, including, but not limited to, the disposition of personal effects at the time of death, provided that any such document complies with applicable California law.

(Ord. C-7460 § 1, 1997)

8.95.120 - Limited effect.

This Chapter is not intended to make the California Uniform Partnership Act (Corporations Code section 15001 et seq.) applicable to domestic partnerships.

(Ord. C-7460 § 1, 1997)

PART I. - GENERAL PROVISIONS

CHAPTER 9.02 - DEFINITIONS

9.02.010 - Construction.

Unless the context otherwise requires, the definitions set forth in this Chapter govern the construction of this Title.

(Prior code § 4110 (part))

9.02.020 - Alcoholic beverage.

"Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer, whiskey, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent (0.5%) or more of alcohol by volume and which is fit for beverage purposes, either alone or when diluted, mixed, or combined with other substances.

(Prior code § 4110 (h))

9.02.030 - Apartment.

"Apartment" means a room or suite of rooms in an apartment house or dwelling occupied, or intended or designed for occupation, by one (1) family for living or sleeping purposes.

(Prior code § 4110(c))

9.02.040 - Apartment house.

"Apartment house" means any building occupied, or designed, built, or rented for occupation, by three (3) or more families, each living in a room or suite of rooms designed or intended for occupation by one (1) family for living or sleeping purpose and cooking within such building or structure.

(Prior code § 4110(b))

9.02.050 - Auto and trailer park.

"Auto and trailer park" means any area or tract of land where space is rented or held out for rent to two (2) or more owners or users of trailer coaches or tent campers furnishing their own camping equipment, or where free camping is permitted owners or users of trailer coaches or tent camping equipment for the purpose of securing their trade.

(Prior code § 4110(e))

9.02.060 - Auto court and resort.

"Auto court and resort" means any area, place, or tract of land where two (2) or more single-family dwellings, or a building containing two or more apartments designed, used, or intended wholly or in part for the accommodation of transients, are located and offered for hire, rent or lease by any person.

(Prior code § 4110(d))

9.02.070 - Drive-in or take-out restaurant.

A "drive-in or take-out restaurant" means any cafe, food establishment or public eating place where food or frozen dessert or beverage or drink is delivered to or served directly or sold to anyone for consumption on the premises at tables or stands in open or enclosed areas, or in any vehicle stopped, standing or parked upon the premises, or in or upon any street, alley, parking area, or grounds immediately adjacent to the premises or for consumption off of the premises.

(Prior code § 4110(i))

9.02.080 - Hotel.

"Hotel" means any structure, or any portion of a structure, including any lodginghouse, roominghouse, dormitory, turkish bath, bachelor hotel, studio hotel, public club or private club which is occupied or is intended or designed for occupation by guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

(Prior code § 4110(a))

9.02.090 - Public place.

"Public place" means and includes, but is not limited to, any street, park, pier, beach, restaurant, cafe, theater, store, building playground, school ground recreational area or other place to which the public is invited or has access or any place open to the public view.

(Prior code § 4110(g))

PART II. - OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

CHAPTER 9.08 - IMPERSONATING AN OFFICER

FOOTNOTE(S):

--- (1) ---

State Law reference— Provisions on impersonating an officer, Pen. C. § 538d; making false reports to the police, Pen. C. §§ 148.1-148.6.

9.08.010 - Unauthorized police uniform.

No person shall wear in the City any uniform helmet, cap, cap front, badge or button identical with or so similar in color or design to those adopted and worn by regular members of the Police Department as to be calculated or liable to deceive.

(Prior code § 3510.5)

9.08.020 - False reports.

No person shall knowingly make any false, misleading or unfounded report to the Police Department.

(Prior code § 3510.6)

PART III. - OFFENSES AGAINST THE PERSON

CHAPTER 9.14 - TORT CLAIMS

9.14.010 - Solicitation prohibited.

No person shall solicit employment for himself or for any other person, either directly or through some other person acting on his behalf, to prosecute collect, settle, compromise or negotiate for the settlement, compromise or collection of any tort claim, on behalf of any tort claimant, in which he himself has no pecuniary interest arising from such tort.

(Prior code § 4260)

9.14.020 - Exception—Joint tort claimants.

The provisions of Section 9.14.010 shall not be construed to prevent joint tort claimants from negotiating with each other for the purpose of combining respective claims or actions against the tortfeasor.

(Prior code § 4260.1)

PART IV. - OFFENSES AGAINST PUBLIC DECENCY

CHAPTER 9.16 - NARCOTICS RELATED NUISANCE ABATEMENT

FOOTNOTE(S):

--- (2) ---

Editor's note— ORD-14-0009, § 1, adopted Aug. 5, 2014, amended Ch. 9.16 in its entirety to read as herein set out. Former Ch. 9.16, §§ 9.16.010—9.16.040, was entitled "Nuisance—Drug Activity in a Building or Place", and derived from: Ord. C-6623 § 1 (part), 1989; and Ord. C-6654 § 1 (part), 1989.

9.16.010 - Purpose.

The purpose of this Chapter is to promote public health, safety, and welfare by allowing the City Attorney to abate the nuisance caused by illegal conduct involving a controlled substance purpose on real property.

(ORD-14-0009, § 1, 2014)

9.16.015 - Additional enforcement remedies.

The procedures provided for in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in this Code or by State law for the abatement of nuisance related activities or conditions. Nothing in this Chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable Civil, Penal, or Municipal Code provisions as an alternative to the proceedings set forth in this Chapter.

(ORD-14-0009, § 1, 2014)

9.16.020 - Definitions.

- A. "Controlled substance" means a drug, substance, or immediate precursor which is listed in any schedule in Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058.
- B. "Controlled substance purpose" means the manufacture, cultivation, importation into the State, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, cocaine, phencyclidine, heroin, methamphetamine, or any other controlled substance including synthetic narcotics, in a violation of Subdivision (a) of Section 11350, Sections 11351, 11351.5, 11352, or 11359, Subdivision (a) of Section 11360, or Sections 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11383 of the Health and Safety Code.

(ORD-14-0009, § 1, 2014)

9.16.030 - Narcotics nuisance abatement.

- A. The City Attorney may file an action for unlawful detainer against any person who is in violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the California Code of Civil Procedure, with respect to the controlled substance purpose.
- B. The unlawful detainer action shall be based upon an arrest report or other report by a law enforcement agency, documenting a narcotics offense committed on the property observed by a police officer.
- C.

The City Attorney shall utilize the procedures set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the California Code of Civil Procedure for filing an unlawful detainer action, except that in cases filed under this Section, the following also shall apply:

1. Prior to filing an action pursuant to this Section, the City Attorney shall give thirty (30) calendar days written notice to the property owner, requiring the property owner to file an unlawful detainer action for the removal of the person who is in violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the Code of Civil Procedure with respect to the controlled substance purpose.
2. The notice to the property owner shall inform the property owner of a violation of the nuisance or illegal purpose provisions of Subdivision 4 of Section 1161 of the Code of Civil Procedure and an advisement to the property owner of the optional assignment provision contained in Subparagraphs (D) through (F) below.
3. The notice to the tenant shall, in at least 13-point bold type, meet the following requirements:

The notice shall contain the following language:

(Date)

(Name of tenant)

(Address of tenant)

Re: Long Beach Municipal Code Chapter 9.16

Dear (name of tenant):

This letter is to inform you that an eviction action may soon be filed in court against you for suspected drug activity. Long Beach Municipal Code Chapter 9.16, in accordance with State law, provides for the eviction of persons engaging in such conduct, as described below.

Long Beach Police Department records indicate that you, (name of arrestee), were arrested on (date) for violations of (list violations) at (address of property). A letter has been sent to the property owner(s) advising of your arrest and the requirements of the City's law, as well as the landlord's option to assign the unlawful detainer action to the City Attorney's Office.

A list of legal assistance providers is provided below. Please note, this list is not exclusive and is provided for your information only; the City Attorney's Office does not endorse or recommend any of the listed agencies.

Sincerely,

(Name of Deputy City Attorney)

Deputy City Attorney

Notice to Tenant: This notice is not a notice of eviction. You should call the City Attorney at (562) 570-2200 or a legal assistance provider to stop the eviction action if any of the following is applicable:

- (1) You are not the person named in this notice;
- (2) The person named in the notice does not live with you;

- (3) The person named in the notice has permanently moved;
 - (4) You do not know the person named in the notice;
 - (5) You want to request that only the person involved in the nuisance be evicted, allowing the other residents to stay; or
 - (6) You have any other legal defense or legal reason to stop the eviction action. A list of legal assistance providers is attached to this notice. Some provide free legal assistance if you are eligible.
4. The respective notices shall be given in writing and served upon the owner and the tenant either by personal delivery or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the owner at the address known to the City, or as shown on the last equalized assessment roll, if not known. Separate notice of not less than thirty (30) calendar days and documentation shall be provided to the tenant in accordance with this Subdivision. Service by mail shall be deemed to be completed at the time of deposit in the United States mail. Proof of giving the notice may be made by a declaration signed under penalty of perjury by any City employee that shows service in conformity with this Section.
- D. The property owner shall, within thirty (30) calendar days of the mailing of the written notice, either provide the City Attorney with all relevant information pertaining to the unlawful detainer case, or provide a written explanation setting forth any safety-related reasons for noncompliance, and an assignment to the City Attorney of the right to bring an unlawful detainer action against the tenant.
- E. The assignment shall be on a form provided by the City Attorney and may contain a provision for costs of investigation, discovery, and reasonable attorney's fees, in an amount not to exceed six hundred dollars (\$600). An additional fee payable to the Los Angeles County Sheriff for lock-out services may be required.
- F. If the City Attorney accepts the assignment of the right of the owner to bring the unlawful detainer action, the owner shall retain all other rights and duties, including the handling of the tenant's personal property, following issuance of the writ of possession and its delivery to and execution by the appropriate agency.
- G. Upon the failure of the owner to file an action pursuant to this Section, or to respond to the City Attorney as provided in Paragraph (D), or having filed an action, if the owner fails to prosecute it diligently and in good faith, the City Attorney may file and prosecute the action, and join the owner as a defendant in the action. This action shall have precedence over any similar proceeding thereafter brought by the owner, or to one previously brought by the owner and not prosecuted diligently and in good faith. Service of the summons and complaint upon the defendant owner shall be in accordance with Sections 415.10 - 415.50 of the Code of Civil Procedure.
- H. If a jury or court finds the defendant tenant guilty of unlawful detainer in a case filed pursuant to Paragraph (G), the City Attorney may be awarded costs, including the costs of investigation and discovery and reasonable attorney's fees. These costs shall be assessed against the defendant owner, to whom notice was directed pursuant to Paragraph (C)(1), and once an abstract of judgment is recorded, it shall constitute a lien on the subject real property.
- I. This Section shall not prevent a tenant from receiving relief against a forfeiture of a lease pursuant to Section 1179 of the Code of Civil Procedure.
- J.

In any proceeding brought under this Section, the Court may, upon a showing of good cause, issue a partial eviction ordering the removal of any person, including, but not limited to, members of the tenant's household if the Court finds that the person has engaged in the activities described in Subdivision (A). Persons removed pursuant to this Section may be permanently barred from returning to or reentering any portion of the entire premises. The Court may further order as an express condition of the tenancy that the remaining tenants shall not give permission to or invite any person who has been removed pursuant to this Subdivision to return to or reenter any portion of the entire premises.

- K. Notwithstanding Subdivision (b) of Section 68097.2 of the Government Code, the City may waive all or part of the costs incurred in furnishing the testimony of a peace officer in an unlawful detainer action brought pursuant to this Section.

(ORD-14-0009, § 1, 2014)

9.16.050 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-14-0009, § 1, 2014)

CHAPTER 9.20 - NUDITY

FOOTNOTE(S):

--- (3) ---

State Law reference— Provisions authorizing cities to regulate indecent exposure by waiters, waitresses and performers, free of legislative preemption, Pen. C. §§ 318.5 and 318.6.

9.20.010 - Waiters, waitresses and entertainers.

No person shall, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages for consumption on the premises of such establishment, expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region, or shall any such person expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region.

(Prior code § 4195)

9.20.020 - Exposure of female breasts.

No female person shall, while acting as a waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages for consumption on the premises of such establishment, expose the areola of either or both breasts or any portion of either or both breasts below the areola thereof, or shall any such female person employ any device which is intended to simulate such portions of either or both breasts, or shall any such female person wear any type of clothing so that any portion of either or both breasts may be observed.

(Prior code § 4195.1)

9.20.030 - Permitting violation.

No person shall permit, procure, counsel or assist another person to violate any provision of Sections 9.20.010 or 9.20.020.

(Prior code § 4195.2)

9.20.040 - Exception—Theatrical performances.

The provisions of Sections 9.20.010, 9.20.020 or 9.20.030 do not apply to a theatrical performance in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

(Prior code § 4195.3)

9.20.050 - Misdemeanor to be nude in a public place or in a place open to the public view.

- A. It shall be unlawful for any person to appear, bathe, sunbathe, walk, or be in any public place or place open to public view in such manner so as to expose the human male or female genitals, vulva, pubis, pubic hair, cleft of the buttocks, perineum, or anus with less than a fully opaque covering, and/or to

expose the nipples and/or the areola of the female breasts with less than a fully opaque covering. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered. Violation hereof is a misdemeanor.

- B. This Section shall not apply to children under the age of ten (10) years, or females engaged in breast-feeding of an infant under the age of two (2) years old.

(Ord. C-7713 § 3, 2000: Ord. C-7591 § 3, 1999: Ord. C-7274 § 1, 1994: Ord. C-5908 § 1, 1982: Ord. C-5624 § 1 (part), 1980: prior code § 7300.4)

CHAPTER 9.22 - ALCOHOLIC BEVERAGES

9.22.010 - Public consumption—Prohibited.

No person shall transport into or drink or consume any alcoholic beverage in any public place except upon the premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.1)

9.22.020 - Public consumption—Mixture prohibited.

No person shall mix, blend, or combine any alcoholic beverage with any liquid in any public place for the purpose of consuming said mixture, combination or blend in any public place except upon premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.2)

9.22.030 - Public consumption—Sale prohibited.

No person as owner, manager, employee or otherwise of any restaurant, cafe, theater, store, or other such public place shall give, sell, or furnish to any other person any liquid in any public place to be mixed, blended, or combined with any alcoholic beverage for consumption in such public place, except upon premises licensed under an on-sale or on-sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.3)

9.22.040 - Public consumption—Permitting prohibited.

No person as owner, manager, employee, or otherwise of any restaurant, cafe, theater, store, or other such public place shall allow or permit any person to consume any alcoholic beverage in such public place except upon premises licensed under an on sale or on sale general license under the State Alcoholic Beverage Control Act.

(Prior code § 4150.4)

9.22.050 - Licensing public area.

Except for duly authorized and permitted professional, collegiate and other adult athletic events conducted at Blair Field in Recreation Park, or such other event or activity at a specified site as may be expressly authorized by City Council resolution, no application may be made for a license under the State Alcoholic Beverage Control Act in or upon any public area under the authority of the Recreation Commission pursuant to Section 2.54.005 of this Municipal Code.

(Ord. C-7324 § 1, 1995: prior code § 4150.5)

9.22.060 - Beer, wine and champagne in certain public facilities.

Notwithstanding any other provision of this Chapter, beer, wine and champagne may be served, dispensed, furnished and consumed upon the premises of the following public facilities under circumstances which do not require a permit or license from the Department of Alcoholic Beverage

Control, and provided that the requirements of all other applicable laws, rules or regulations are met:

- A. Long Beach Museum of Art;
- B. Rancho Los Cerritos;
- C. Rancho Los Alamitos;
- D. Wightman Theater in the recreation headquarters building;
- E. Long Beach Art Association Gallery in the recreation headquarters building lobby;
- F. Main library;
- G. Rainbow Lagoon Park;
- H. Promenade South;
- I. Shoreline Aquatic Park.

(Ord. C-6208 § 5, 1985: Ord. C-5710 § 1, 1981: prior code § 4150.6)

9.22.070 - Unlawful alcohol consumption.

It is unlawful for any bather to consume any alcoholic beverage within one (1) marine league of any beach. However, this Section shall not be construed to regulate the consumption of alcoholic beverages on any motorboat.

(ORD-11-0004, § 1, 2011)

9.22.075 - Bather.

"Bather" has the same meaning as that set forth in California Harbor and Navigation Code Section 651.1.

(ORD-11-0004, § 2, 2011)

9.22.080 - Marine league.

"Marine League" means three (3) nautical miles.

(ORD-11-0004, § 3, 2011)

CHAPTER 9.24 - GAMBLING

FOOTNOTE(S):

--- (4) ---

State Law reference— Provisions on gambling, Pen. C. § 330 et seq.

9.24.010 - Prohibited games designated.

No person shall play or bet at, or as owner or employee open, deal, play, carry on or conduct any game of chance played with cards, dice, balls, pins, checkers, counters, quoits, beans, spindles, tables, wheels, machines, or any other device, contrivance or apparatus, or with any combination of any thereof, for money, checks, or other representative of value; provided, however, that the game known as bingo may be played in accordance with the provisions of Chapter 5.20.

(Ord. C-5266 § 1, 1976: prior code § 4140.7)

9.24.020 - Violation—Nuisance.

Any machine, contrivance, appliance, device, game, ticket, chance, share, interest, instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of:

- A. Section 330a of the State Penal Code;
- B. Any section enumerated in Part I, Title 9, Chapter 9 of the State Penal Code; or
- C. Section 9.24.030 of this Code is declared to be a nuisance and shall be subject to abatement as provided in Section 9.24.040

(Prior code § 4140.8)

9.24.030 - Possession of machines prohibited.

No person shall keep, maintain, possess or have under control in any place of business, or in any other place of public resort, either as owner, lessee, agent, employee, mortgagee, or otherwise, any table game or device commonly known as a pin game, pinball game, marble game, one shot marble game, horserace machine, claw, scoop and grab machine, any automatic payoff machine or any game of chance commonly known as a slot machine or slotless slot machine, the result of the operation of which machine is determined by the juxtaposition or alignment of pictures, symbols or other emblems borne on revolving or turning reels, wheels or discs, the operation, use of any coin, plate, disk, plug, key or other device, or by the payment of any fee.

(Prior code § 4140.9)

9.24.040 - Destruction of equipment.

- A. Any article declared by Section 9.24.020 to be a nuisance, as a result of the operation, use, keeping, possession, placing or maintaining of which any person has been convicted of or has pleaded guilty to any violation of any law of this State or of any ordinance of this City, shall be destroyed by the Chief of Police after such plea, or after judgment of conviction becomes final. The contents of such machine shall be destroyed, or if money, shall be deposited in the General Purpose Fund of the City.
- B.

If any articles subject to destruction as provided in this Section are in the custody of any court within the City, the Chief of Police shall cause to be made an application to the judge of the court for an order releasing the articles to him for the purpose of complying with this Section.

(Prior code § 4140.10)

9.24.050 - Exception—Amusement zone.

Section 9.24.030 shall not apply to the keeping, maintenance, possession or control, in any duly licensed penny arcades located in the amusement zone defined as the amusement district (A) zone of this City, of any of the games or devices as set forth in Section 9.24.030, excepting automatic payoff machines, if said games and devices are equipped with a coin chute and can be operated only by the use of said coin chute, and then only by the insertion in said chute of a coin of no larger denomination than five cents (\$0.05). All such games and devices in such duly licensed places of amusement, and the owners, operators or possessors thereof shall, however, be subject to all other laws and ordinances of this State and City pertaining to gambling.

(Prior code § 4140.11)

9.24.060 - False identification—Possession prohibited.

No person shall use, display, present, carry or possess any identification card, paper or tag which contains any false statements or data, or which bears the name of a person other than of such person, for the purpose of being admitted to any place of entertainment or obtaining any goods.

(Prior code § 4140.14)

9.24.070 - False identification—Making prohibited.

No person, either for himself or as the agent or employee of another, shall make, prepare, sell or furnish any identification card, paper or tag, without first obtaining proof of the correctness of the statements or data thereon contained. Proof that such identification card, paper or tag contains false statements or data shall be prima facie evidence of the violation of this Section.

(Prior code § 4140.15)

9.24.080 - Identification card—Preparer designation.

Every person making or preparing any identification card, paper or tag shall print thereon the name and address of such person making or preparing such identification card, paper or tag, shall type or print across the face of such identification card, paper, or tag, the word "unofficial" in red letters as large as the largest letters on the face of such card, paper or tag.

(Prior code § 4140.16)

CHAPTER 9.25 - PUBLIC EXCRETION

9.25.010 - Misdemeanor to urinate or defecate in public.

No person shall urinate or defecate in or at any "public place" as defined in Section 9.02.090 except at regularly provided toilet facilities. Violation hereof shall be a misdemeanor.

(Ord. C-5878 § 1, 1982)

PART V. - OFFENSES AGAINST PUBLIC PEACE

CHAPTER 9.30 - DISORDERLY CONDUCT

FOOTNOTE(S):

--- (5) ---

State Law reference— Provisions on disorderly conduct, Pen. C. § 647.

9.30.010 - Annoying people or acting as capper.

No person shall:

- A. Make insulting remarks to any person; or annoy or accost any person unknown to him;
- B. Act as a capper for any place of amusement or for any place or person devoted to or engaged in any unlawful business, calling or vocation.

(Prior code § 4130)

9.30.020 - Public disrobing.

No person shall dress or undress, or change clothing, in any public toilet or comfort station, or in any public recreational area, public beach, public street or any other property under the supervision and control of the recreational commission, or within or on any motor vehicle while the same is standing upon any public street or other public place.

(Prior code § 4130.1)

9.30.025 - Misdemeanor to enter a public restroom designated for use by the opposite sex.

No person above the age of five (5) years shall enter any public restroom or restroom in any public place designated for use by either men or women unless he or she is the appropriate sex. Violation thereof is a misdemeanor.

(Ord. C-5907 § 1, 1982)

9.30.030 - Public expectoration.

No person shall discharge mucus from the nose or mouth, or spit upon any sidewalk or other paved area of any park or recreation center, or upon any roque court, shuffleboard court, or other hard surfaced place set apart for the playing of any game in any park or recreation center, or upon any pier or promenade, or other public place whatsoever, or in any place where food intended for human consumption is stored, prepared, processed or served.

(Prior code § 4130.3)

9.30.040 - Unlawful assembly.

It is declared to be unlawful and a nuisance for any persons to congregate or assemble upon, over or across, or for any person to aid or instigate the congregation or assembling of persons, upon, over or across any street, lawn area or way or portion thereof in any public park, beach, pier, wharf or building or any entrance, steps or hallway leading in, to or through said places, in such a manner as to obstruct, hinder or annoy any person or persons in the free use thereof.

(Prior code § 4130.4)

9.30.050 - Obstructing public passage.

No person shall block, impede or obstruct any public place or any entrance, exit or approach to any place of business in a manner calculated or with intent to prevent, delay, hinder or interfere with any person in the free passage along or the entering or leaving of such public place or place of business.

(Ord. C-5494 § 1, 1978: prior code § 4130.12)

9.30.060 - Lookouts for illegal acts.

- A. No person shall act as a guard or lookout for any building, premises or establishment used for gambling, prostitution, or any other form of vice or illegal act, or where intoxicating liquors are illegally kept, sold or purchased, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice or illegal act, on street or sidewalk.
- B. No person shall give any signal, intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or places mentioned in Subsection 9.30.060.A.

(Ord. C 5882 § 1, 1982)

CHAPTER 9.31 - LOUD PARTIES ON PRIVATE PROPERTY

9.31.010 - Loud noises prohibited.

No person shall cause or permit loud music or other noises caused by a party, gathering or assemblage of persons on private property to disrupt the public peace. Noise that is audible from a distance of fifty feet (50') or more from the property shall be deemed to disrupt the public peace. Any person who causes or permits any such loud music or other noises is guilty of a public offense punishable under the provisions of Title 1, Chapter 1.32 of this Code.

(ORD-05-0036 § 1, 2005)

9.31.020 - Enforcement.

When law enforcement personnel at the scene determine that the provisions of this Chapter have been violated, such law enforcement personnel are authorized to take all necessary enforcement actions, including the following:

- A. Arrest and/or issue a citation to the responsible person. For purposes hereof, the "responsible person" shall be a person or persons owning or occupying the offending property or otherwise authorizing or permitting the loud music or other noises to emanate from the property;
- B. Direct the responsible person to immediately terminate the activity that is causing the loud noise; and
- C. Issue a written notice to the responsible person that if within a thirty (30) day period after the initial response law enforcement personnel are again required to respond to the property to address a violation of this Chapter, then the responsible person shall be liable for payment of all costs and expenses incurred by law enforcement personnel during second or subsequent responses in accordance with Section 9.31.030

(ORD-05-0036 § 1, 2005)

9.31.030 - Second and subsequent responses.

If after issuance of the written notice required under this Chapter law enforcement personnel are required to respond to the property to address another violation of this Chapter within a thirty (30) day period after issuance of said notice, then the responsible person or the legal guardian(s) thereof shall be liable for all actual costs and expenses incurred by the City during second or subsequent responses.

(ORD-05-0036 § 1, 2005)

9.31.040 - Collection of costs.

The expense of a reimbursable response hereunder shall be charged against the person liable for the expense under this Chapter. The charge constitutes a debt of that person to the City, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied.

(ORD-05-0036 § 1, 2005)

CHAPTER 9.32 - DRIVE-IN RESTAURANTS

9.32.010 - Motor vehicle operation.

No person on the premises of a "drive-in or takeout restaurant", as defined in Chapter 9.02, shall race or accelerate the motor of any vehicle, or bring to a sudden start or stop any motor vehicle, or blow or honk the horn of any motor vehicle except where reasonably necessary in the operation thereof.

(Prior code § 4190)

9.32.020 - Blocking ingress or egress.

No person shall leave a motor vehicle on the premises of any "drive-in or takeout restaurant", as defined in Chapter 9.02, so as to block or obstruct any driveway of ingress or egress of said premises.

(Prior code § 4190.1)

9.32.030 - Alcoholic beverages.

No person on the premises of any "drive-in or takeout restaurant", as defined in Chapter 9.02, shall have in his possession any bottle, can, or other receptacle containing any alcoholic beverage which has been opened or a seal broken, or the contents of which have been partially removed. This Section does not apply within premises licensed under the Alcoholic Beverage Control Act, or to any person under twenty-one (21) years of age, or to any person keeping alcoholic beverages in a vehicle in the manner authorized by the Vehicle Code of the State.

(Prior code § 4190.2)

9.32.040 - Uninvited use of premises.

No person shall enter or remain on the premises of a "drive-in or takeout restaurant", as defined in Chapter 9.02, where the owner or operator of the drive-in or takeout restaurant has withdrawn from such person, for cause and not contrary to the provisions of the Unruh Civil Rights Act (Civil Code Section 51), the actual or implied invitation extended generally to members of the public to enter such premises.

(Prior code § 4190.3)

9.32.050 - Exception—Peace officer.

Section 9.32.040 shall have no application to a trespass committed by any officially authorized peace officer or law enforcement agent when such trespass is committed in the execution of such officer's or agent's official duty.

(Prior code § 4190.4)

CHAPTER 9.34 - CIRCULATING PETITIONS

9.34.010 - Prohibited in certain public buildings.

No person shall circulate any petition, or solicit any person to sign any petition of whatsoever nature, in the City Hall, public utilities building, public safety building, any public library or other building open to and used by the public for the purpose of transacting public business, nor upon the grounds, sidewalks, or other areas surrounding and adjacent to said buildings.

(Prior code § 4614)

CHAPTER 9.35 - AGGRESSIVE SOLICITATION

9.35.010 - Aggressive solicitation prohibited.

- A. It shall be unlawful for any person to solicit by threatening, harassing, intimidating or aggressively coercing another person on a public street or sidewalk or any place open to the general public. This Chapter does not regulate solicitation on private property.
- B. "Solicitation" means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for purposes of this Chapter.
- C. "Solicit" means to be engaged in the act of solicitation.
- D. For purposes of this Section, a person aggressively coerces, threatens, harasses or intimidates another person when:
 - 1. The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety; or
 - 2. The solicitor intentionally blocks the path of the solicitee; or
 - 3. The solicitor persists in following the solicitee closely, and continues to demand money or other things of value after the solicitee has rejected the solicitation by words or conduct.
- E. For purposes of this Section, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:
 - 1. The solicitor makes physical contact with the solicitee or the solicitor uses verbally abusive language;
 - 2. The proximity of the solicitor to the solicitee; or
 - 3. The duration of the solicitation; or the solicitor makes threatening gestures or other threatening conduct, including closely following the solicitee.

(ORD-11-0026, § 1, 2011)

9.35.020 - Prohibited locations.

- A. It shall be unlawful for any person to solicit another person who is in or at any of the following locations:
 - 1. In a public transportation bus or public transportation bus stop;
 - 2. Within twenty feet (20') of an automated teller machine that is adjacent to a public sidewalk or street;
 - a. "Automated teller machine" shall mean any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account;
 - 3. In a City-owned parking structure or surface lot;
 - 4. In the outdoor dining area of a restaurant, cafe, or similar establishment which serves food or drinks for immediate consumption.

(ORD-11-0026, § 1, 2011)

9.35.030 - Exception.

The prohibitions listed in Section 9.35.020 shall not apply to solicitations related to business which is being conducted on the subject premises or location by the owner or responsible party.

(ORD-11-0026, § 1, 2011)

9.35.040 - Penalty.

Violation of, or failure to comply with, any provision of this Chapter 9.35 constitutes a criminal offense punishable as an infraction for the first offense, and a misdemeanor for any subsequent offense committed within a twelve (12) month period, with criminal penalties set forth in Chapter 1.32 of this Code.

(ORD-11-0026, § 1, 2011)

9.35.050 - Severability.

In the event any portion of Chapter 9.35 is deemed to be unenforceable, or is in conflict with applicable law, the remainder of Chapter 9.35 will be enforced and will remain in full force and effect.

(ORD-11-0026, § 1, 2011)

CHAPTER 9.36 - LOITERING FOR DRUG ACTIVITIES OR GRAFFITI

9.36.010 - Loitering for drug activity.

It is unlawful for any person to loiter in, on or near any street or alley or place open to the public or near any public or private place for the purpose of engaging in drug related activity defined as criminal offenses in Chapters 6 and 6.5 of Division 10 of the California Health and Safety Code. As used in this Chapter, "loiter" means to delay or linger without lawful business.

(Ord. C-6771 § 1 (part), 1990)

9.36.020 - Loitering for graffiti.

It is unlawful for any person to loiter in, on or near any street or alley or place open to the public or near any public or private place for the purpose of engaging in graffiti activity defined as a criminal offense in Section 594 of the Penal Code.

(Ord. C-6771 § 1 (part), 1990)

CHAPTER 9.37 - LONG BEACH NUISANCE CODE

9.37.010 - Purpose and intent.

The purpose of this Chapter is to provide for the administrative abatement of nuisance related activities or conditions which affect the social and economic stability of neighborhoods, impair property values and which are injurious or detrimental to the health, safety and general welfare of the citizens of Long Beach.

(Ord. C-7479 § 1, 1997)

9.37.020 - Additional enforcement remedies.

The procedures provided for in this Chapter shall be cumulative and in addition to any other procedure or legal remedy provided for in this Code or by State law for the abatement of nuisance related activities or conditions. Nothing in this Chapter shall be deemed to prevent the City from commencing a civil or criminal proceeding to abate a nuisance under applicable Civil, Penal or Municipal Code provisions as an alternative or alternatives to the proceedings set forth in this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.030 - City Manager/Administrative Abatement Officer.

As used in this Chapter, "Administrative Abatement Officer" shall mean the City Manager and any other person or persons designated by the City Manager as being an Administrative Abatement Officer.

(Ord. C-7479 § 1, 1997)

9.37.040 - Person/responsible person/party.

- A. As used in this Chapter, "person"/"responsible person"/"party" shall mean any individual, business or entity who is responsible for causing, maintaining or permitting a nuisance activity or condition. The terms "person", "responsible person" or "responsible party" include, but are not limited to, a property owner, tenant, person with a legal interest in real property or person in possession or occupying real property, the president or other officer of a corporation, a business owner or manager of a business.
- B. Any act of negligent or willful conduct of a minor which results in the creation or maintenance of a condition or activity which constitutes a nuisance within the meaning of this Chapter shall be imputed to the parent or guardian having custody and control of the minor for all purposes, including the duty to abate the nuisance(s) and the imposition of administrative penalties and costs as provided for herein. The parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor for any and all penalties or costs imposed pursuant to this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.050 - Abate/abatement.

As used in this Chapter, the terms "abate" and "abatement" shall mean action to terminate, remove, stop, cease, repair, replace or otherwise remedy a nuisance related activity or condition by such means and in such manner as is necessary to the interests of the health, safety or general welfare of the public.

(Ord. C-7479 § 1, 1997)

9.37.060 - Premises.

As used in this Chapter, the term "premises" shall mean any location, building, structure, residence, garage, room, shed, shop, store, dwelling, lot, parcel, land or portion thereof whether improved or unimproved.

(Ord. C-7479 § 1, 1997)

9.37.070 - Service of notice.

- A. Whenever any notice, amended notice, supplemental notice, order, statement or other document is required to be served upon any person, by the provisions of this Chapter, such service shall be either by personal service or by delivery into the United States Mail, postage prepaid, certified or registered mail, to the person's last known address. If service is by mail, the service is complete at the time of the deposit, but any period of notice and any right or duty to do any act or make any response within any period or on a date certain shall be extended five (5) days if the place of address is within the State of California or ten (10) days if the place of address is outside the State of California.
- B. In lieu of personally serving the person or service by certified or registered mail, service of any notice, amended notice, supplemental notice, order, statement or other document may be made as follows:
 - 1. In the event that the responsible person refuses to accept certified or registered mail or cannot be personally served, service may be made by substituted service. In lieu of personal delivery of a copy of the document, notice may be served by leaving a copy during usual office hours at the person's usual place of business with the individual who is apparently in charge, and by thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy of the notice was left. Or, a document may be served by leaving a copy at the person's dwelling or usual place of abode in the presence of a competent member of the household, at least eighteen (18) years of age, and thereafter mailing by first-class mail a copy of the notice to the person at the address where the copy was left.
 - 2. In the event a person refuses to accept certified or registered mail or cannot be personally served or served by substituted service and has a property manager or rental agency overseeing the premises, substituted service may be made as set forth in Subsection 9.37.070.B.1 upon the property manager or rental agency.
 - 3. If a person lives out of State and will not accept certified or registered mail, then service may be made by first-class mail.

(Ord. C-7479 § 1, 1997)

9.37.080 - Abatement of nuisance related activities or condition.

Any activity, condition or premise(s) maintained as described herein is declared to be a public nuisance and shall be abated by cessation of the activity, rehabilitation, demolition, removal, repair or other appropriate remedy pursuant to the procedures set forth in this Chapter.

(Ord. C-7479 § 1, 1997)

9.37.090 - Nuisance defined.

It is hereby declared a public nuisance, or an act in the nature of a public nuisance, for any person or party to cause, permit, abet or otherwise allow any premises in this City to be used in such a manner that any one (1) or more of the activities or conditions described in the following Subsections are found to occur thereon:

- A. Any condition or activity which is a "nuisance" or a "public nuisance" as defined in Sections 3479 and 3480 of the Civil Code of the State of California or which is specifically declared to constitute a nuisance or public nuisance by any statute of the State of California or by any ordinance of the City.
- B. The violation of any provisions of the latest edition of the California Building Standards Code ("Title 24 of the California Codes of Regulations") that have been adopted, as amended, by the City:
 - 1. California Building Code;
 - 2. California Residential Code;
 - 3. California Electrical Code;
 - 4. California Mechanical Code;
 - 5. California Plumbing Code;
 - 6. California Energy Code;
 - 7. California Historical Building Code;
 - 8. California Fire Code;
 - 9. California Existing Building;
 - 10. California Green Building Standards Code;
 - 11. Uniform Housing Code.
- C. The violation of any provision of Title 18 (Buildings and Construction) or Title 21 (Zoning) of this Code.
- D. The operation or maintenance of any business, trade or profession in violation of Title 5 of this Code.
- E. The frequent gathering, or coming and going, of people who have an intent to purchase or use controlled substances on or at any premises in this City.
- F. Participation in a criminal street gang as proscribed by California Penal Code Section 186.22.
- G. The making or continuing, or causing to be made or continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
- H. The occurrence of criminal activity at any premises which threatens the life, health, safety or welfare of the residents of the premises, neighbors or the public.
- I. Buildings which are abandoned, boarded up, partially destroyed or left unreasonably in a state of partial construction.
- J. Overgrown vegetation causing detriment to neighboring properties or property values or which is likely to attract rodents, vermin or other pests, or which causes a hazardous condition to pedestrian and/or vehicular traffic.
- K. Premises including, but not limited to, building exteriors which are maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same causes diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes, but is not limited to, the keeping and disposing of or the scattering over the property or premises of any of the following: (1) lumber, junk, trash or debris; (2) abandoned or discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers; (3) stagnant

water or excavation(s); (4) any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or inappropriate location; or (5) permitting or allowing any graffiti to remain on any building, wall fence or structure.

- L. The use of any premises for the purpose of illegal gambling, lewdness, assignation, or prostitution as proscribed by State law or this Code.
- M. The maintenance, use, rental or lease of any premises, or sub-unit thereof, including single-family dwellings, where persons are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons lawfully on the property itself or lawfully in the vicinity of the property.
- N. The use of any premises for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance, precursor, or analog as those terms are defined by State law.
- O. Noise disturbances in violation of Chapter 8.80 of this Code.
- P. The sale, purchase or possession of marking pens or etching tools in violation of Chapter 9.57 of this Code.
- Q. The sale, purchase or possession of pressurized paint containers in violation of Chapter 9.56 of this Code.
- R. Loitering or loitering for drug activities or graffiti in violation of Chapter 9.36 or Chapter 9.58 of this Code.
- S. The discharge of any gun, compressed air gun, rifle, pistol or other firearm in violation of Chapter 9.62 of this Code.
- T. The violation of any provision of Title 12 (Oil Production Regulations) of this Code.
- U. Maintenance of properties or premises in such a manner as to cause substantial diminution of the enjoyment, use, or property values of adjacent properties.

(ORD-11-0012, § 2, 2011; Ord. C-7479 § 1, 1997)

9.37.100 - Notification of nuisance and abatement thereof.

- A. Whenever the City Manager or his authorized designee declares or finds that any nuisance activity or condition is being maintained or carried on at any premises in the City contrary to the provisions of this Chapter, the City Manager or his authorized designee shall give written "Notice of Abatement" to any and all responsible persons or parties setting forth a brief description of the activity or condition constituting the nuisance and the sections of this Chapter that are being violated.
- B. The notice shall set forth a reasonable time limit not to exceed thirty (30) days for correcting or abating the nuisance and may also set forth:
 - 1. Suggested methods of correction or abatement and the fact that the City will take steps to abate the nuisance if the person fails to do so; and
 - 2. That administrative penalties and/or administrative costs will be assessed against the responsible person in the event the nuisance activity or condition is not corrected or abated within the time frame established by the notice for correcting or abating the nuisance.
- C. Except in the case of an emergency situation wherein the nuisance condition or activity poses an immediate threat to the health, safety, or general welfare of the public, the time permitted for correction or abatement shall be at least fifteen (15) calendar days.
- D.

The City Manager or his authorized designee may grant an extension of time to abate a nuisance if, in his/her opinion, good cause for an extension exists.

- E. The person or party who has been served with notice pursuant to this Section may, within seven (7) calendar days, make a written application to the City Manager or his authorized designee for a hearing on the question of whether a nuisance activity or condition in fact exists; whether the person to whom the notice was directed is responsible for the creation or maintenance of such nuisance; and whether the City Manager or his authorized designee has provided sufficient time to correct or abate the nuisance condition or activity.
- F. Upon receipt of a timely written application for hearing, the City Manager or his authorized designee shall establish the date and time of the hearing and shall so notify the applicant in writing. Failure to make timely application for a hearing as provided for in this Section shall be deemed a conclusive admission that: (1) the nuisance activity or condition described in the notification of nuisance does or did exist, (2) that the person(s) to whom the notice was directed is in fact the person(s) responsible for creating or maintaining the nuisance condition or activity, and (3) that the time specified in the notice for the correction or abatement of the nuisance is, in fact, reasonable under the circumstances.
- G. The hearing provided for in this Section shall be conducted by a Hearing Officer appointed by the City Manager or his authorized designee. At the time stated in the notice of hearing, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the applicant, owners, City personnel, neighbors, witnesses or other interested parties, and may consider staff reports or other written materials relative to the matter. The hearing may be continued from time to time as appropriate and the strict rules of evidence shall not apply. Proof of the existence of a nuisance condition or activity must be by a preponderance of the evidence and the burden of proof on this issue is upon the City.
- H. At the conclusion of the hearing, the Hearing Officer may confirm, amend or modify the "Notice of Abatement" or order, or extend the time for compliance. The decision of the Hearing Officer shall be final and conclusive. Written notice of the Hearing Officer's decision and findings shall be given and said notice shall state clearly and concisely the basis for the Hearing Officer's findings with respect to the existence of the nuisance activity or condition. The notice shall further state that unless the person or party shall cause the abatement of the nuisance activity or condition, pursuant to the orders contained in the notice, the nuisance shall be abated, if appropriate, by the City at the expense of the owner, and that administrative penalties and/or costs will be assessed against the person for noncompliance with the order.

(Ord. C-7479 § 1, 1997)

9.37.110 - Notice of administrative penalty.

- A. After the time for abatement or correction has expired, the City Manager or his authorized designee shall determine whether the person or party has taken the necessary abatement or corrective action and whether the nuisance activity or condition has in fact been abated.
- B. If the City Manager or his authorized designee determines that the person has complied with the "Notice of Abatement" or order and that the nuisance has been abated, the person shall be notified in writing of such determination and the administrative action shall be suspended. If the City Manager or his authorized designee suspends the administrative action, he/she may continue to monitor the premises or activity associated with it for a period not to exceed eighteen (18) months.
- C.

If the City Manager or his authorized designee determines that the person has failed to comply with the initial abatement order or any extension thereof or that the nuisance activity or condition has recurred within eighteen (18) months of the suspension of the case, the City Manager or his authorized designee may impose, after a hearing, an administrative penalty and/or administrative costs as provided in this Chapter. In the event administrative penalties or costs are imposed by the City Manager or his authorized designee, the responsible person shall be notified in writing of the amount of the administrative penalty imposed in accordance with the provisions set forth in this Chapter. The hearing provided for in this Subsection shall be in substantial conformity with the hearing procedures established in Subsection 9.37.100.G, and the decision of the Hearing Officer shall be final and conclusive.

- D. In addition to imposing administrative penalties or costs, the City Manager or his authorized designee may issue another order to correct or abate the nuisance condition or activity for the existence of any nuisance which has not been abated, or which has recurred within the eighteen-month period the action was held in suspension.

(Ord. C-7479 § 1, 1997)

9.37.120 - Administrative penalties.

- A. Administrative penalties imposed by the City Manager or his authorized designee are not to exceed a maximum of two hundred fifty dollars (\$250.00) per day for each on-going violation, except that the total administrative penalty shall not exceed five thousand dollars (\$5,000.00), exclusive of any administrative costs, for any violation or related series of violations.
- B. In determining the amount of administrative penalty, the City Manager or his authorized designee shall take any or all of the following factors into consideration:
1. The duration of the violation;
 2. The frequency, recurrence and number of violations, related or unrelated, by the same violator;
 3. The seriousness of the violation;
 4. The good faith efforts of the violator to abate the nuisance or otherwise come into compliance;
 5. The economic impact of the penalty on the violator;
 6. The impact of the violation on the community;
 7. Such other factors as justice may require.
- C. Administrative penalties imposed shall accrue from the date specified in the compliance order and shall cease to accrue on the date the violation is corrected as determined by the City Manager or his authorized designee.
- D. The City Manager or his authorized designee, in his/her discretion, may suspend the imposition of applicable administrative penalties for any period of time during which:
1. The violator has filed for necessary permits; and
 2. Such permits are required to achieve compliance; and
 3. Such permit applications are actively pending before the City, State or other appropriate governmental agency.

(Ord. C-7479 § 1, 1997)

9.37.130 - Administrative costs.

- A. In addition to the imposition of administrative penalties, the City Manager or his authorized designee may assess administrative costs against the person when it is determined that a violation has occurred and that compliance has not been achieved within the time specified in the initial compliance order or that a violation has recurred within eighteen (18) months of the suspension of the case.
- B. The administrative costs may include any and all actual costs incurred by the City in connection with the matter before the City Manager or his authorized designee including, but not limited to, costs of investigation, staffing costs or staffing overhead incurred in preparation for the hearing and for the hearing itself, and costs incurred for all inspections or reinspections necessary to enforce the compliance order.

(Ord. C-7479 § 1, 1997)

9.37.140 - Abatement by City Manager.

If the nuisance related condition or activity is not completely abated in the manner and within the time set forth in the "Notice of Abatement" or order of the City Manager or his authorized designee, then the City Manager or his authorized designee, in addition to the imposition of administrative costs or penalties, may cause the nuisance to be abated by City forces or private contractor. The cost of the abatement shall be assessed to the responsible party and shall reflect the actual cost incurred by the City in effecting the abatement.

(Ord. C-7479 § 1, 1997)

9.37.150 - Record of administrative penalties and costs; cost of abatement; hearing.

- A. The City Manager or his authorized designee shall keep an itemized account of any administrative penalty or administrative cost assessed as well as the cost incurred by the City in abating a nuisance and shall also give written notice to the responsible party or parties of any such penalty or costs assessed, together with a notice of the time and place when a hearing will be held by a Hearing Officer appointed by the City Manager or his authorized designee to determine the appropriateness of the penalties and/or costs assessed.
- B. At the time fixed for the hearing concerning the appropriateness of the penalties and/or costs assessed, the Hearing Officer shall hear and consider all relevant evidence, including, but not limited to, testimony from the person assessed, City personnel or other interested parties, and may consider staff reports or other written materials relative to the matter. Proof of the appropriateness of the costs or penalties assessed must be by a preponderance of the evidence and the City shall have the burden of proof on this issue. At the conclusion of the hearing, the Hearing Officer shall confirm, revise, correct or modify the amount of the penalties or costs assessed. The decision of the Hearing Officer shall be final and conclusive, and the responsible party or parties shall be notified in writing of the Hearing Officer's determination.

(Ord. C-7479 § 1, 1997)

9.37.160 - Expenses and administrative penalties and costs a lien against the property.

If a property owner does not pay the administrative penalties, administrative costs or the expense of abating the nuisance within ten (10) days after the Hearing Officer confirms the administrative penalty, administrative costs or costs of abatement, the costs and penalties shall become a lien against the real property upon which the nuisance was abated. The lien shall continue until it is paid, together with interest at the legal rate per year computed from the date of confirmation of the costs or penalties until payment. The lien may be collected at the same time and in the same manner as ordinary Municipal taxes

are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary Municipal taxes. All acts applicable to levy, collection and enforcement of Municipal taxes apply to this lien.

(Ord. C-7479 § 1, 1997)

9.37.170 - Notice of lien.

The City shall file in the office of the County Recorder a certificate substantially in the following form:

NOTICE OF LIEN

Under the authority of Government Code Sections 38773.5 and 53069.4, as well as Chapter 9 of the Long Beach Municipal Code, the City did on _____, 19_____, abate a nuisance upon the real property hereafter described and also on _____, 19_____, did impose the cost of the abatement and administrative costs and penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for the expense of doing the work in the amount of \$_____ and for the amount of \$_____ for administrative costs and \$_____ for administrative penalties, for a total amount of \$_____. This amount is a lien against the real property until it is paid, with interest at the legal rate per year from _____, 19_____ (insert date of confirmation of statement), and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows:

Dated _____, 19_____.

City of Long Beach

By _____

(Ord. C-7479 § 1, 1997)

9.37.180 - Alternative method of collection.

Administrative penalties, administrative costs and the cost of abatement incurred by the City are a personal debt and obligation owed to the City and, in addition to any other means of enforcement, the City Attorney is authorized to bring an action on behalf of the City against the responsible party or parties for collection of administrative penalties, administrative costs or for the collection of the expense of abatement in any court of competent jurisdiction.

(Ord. C-7479 § 1, 1997)

9.37.190 - Right of judicial review.

A person contesting a final administrative order or decision of the City Manager or his authorized designee regarding the imposition, enforcement or collection of the administrative fines or penalties provided for in this Chapter may, within twenty (20) days after service of the final administrative order or decision, seek review by filing an appeal to be heard by the Municipal court in accordance with the provisions and procedures established by California Government Code Section 53069.4.

(Ord. C-7479 § 1, 1997)

PART VI. - OFFENSES AGAINST PROPERTY

CHAPTER 9.38 - PUBLIC WORKS OFFICES, BUILDINGS AND YARDS

9.38.010 - Purpose.

It is declared that the purpose of this Chapter is to authorize and provide for the prohibition, limitation and regulation of the entry, access, occupancy or use by members of the public of the offices, buildings, facilities or service yards of the Long Beach Department of Public Works or any areas or parts thereof, and to make it a trespass for any person to enter, occupy or use any such restricted premises without permission or in any manner other than as prescribed by applicable regulations.

(Ord. C-5765 § 1 (part), 1981: prior code § 7496)

9.38.020 - Defined.

As used in this Chapter the term offices, buildings, facilities or service yards of the Department of Public Works means and includes the offices of the Department of Public Works and the Bureau of Engineering located in the Long Beach City Hall, the offices and service yard of the Bureau of Public Service located at 1601 San Francisco Avenue, the Refuse Collection Office and service yard located at 2901 East Willow Street, the Animal Control Office and service yard located at 3001 East Willow Street, the offices and service yard of the Park Bureau located at 2760 Studebaker Road, and the offices and service yard of the Bureau of Aeronautics located at the Long Beach Airport, and includes any and all areas or parts of such offices, buildings, facilities and yards as they now exist or as the same may hereafter be altered, modified or relocated.

(Ord. C-5765 § 1 (part), 1981: prior code § 7496.1)

9.38.030 - Limitation of access and regulation of use.

The City Manager shall have the authority to designate all or any part or area of any of the offices, buildings, facilities or service yards of the Department of Public Works to which the entry, access, occupancy or use by members of the public is withdrawn or limited as deemed necessary. The City Manager shall establish regulations relating to the entry, access, occupancy or use by members of the public of any such restricted areas of such offices, buildings, facilities or service yards. Such regulations shall be based upon the maintenance and preservation of the public health, safety, peace and welfare and to insure the efficient and effective use of such offices, buildings, facilities or service yards for their intended purposes. A copy of such regulations shall be filed in the office of the City Clerk, and a copy shall be available for inspection by members of the public at the administrative office of the Department of Public Works.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.2)

9.38.040 - Signs to be posted.

The City Manager shall cause appropriate signs to be posted in a conspicuous place at or near each entrance to any office, building, facility or service yard of the Department of Public Works where public access has been prohibited or restricted by the City Manager in accordance with Section 9.38.030 of this Code. Such signs shall give notice of the limitations regarding the entry, access, occupancy or use of such premises and shall give notice of the location where a copy of the applicable regulations are available for review by members of the public.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.3)

9.38.050 - Certain acts unlawful.

No person shall enter, occupy or use any part or area of any office, building, facility or service yard of the Department of Public Works to which the entry, access, occupancy or use has been withdrawn or limited by the City Manager pursuant to Section 9.38.030 unless a valid pass has been first obtained and is in the immediate possession of such person. The entry into or occupancy or use of any restricted area of the offices, buildings, facilities or service yards of the Department of Public Works without appropriate permission or in violation of any regulation issued pursuant to this Chapter is a misdemeanor.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.4)

9.38.060 - Ejectment.

Any policeman or authorized employee of the City may use reasonable force to remove or expel a person from any restricted area of the offices, buildings, facilities or service yards of the Department of Public Works, who is in violation of the provisions of this Chapter or any regulations issued hereunder, and who upon being directed to leave refuses to do so. This provision relating to ejectment is in addition to any other remedies provided by law.

(Ord. C 5765 § 1 (part), 1981: prior code § 7496.5)

CHAPTER 9.40 - SEIZURE, IMPOUNDMENT AND FORFEITURE OF VEHICLES

FOOTNOTE(S):

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Note— Prior history: Prior code §§ 4170, 4170.1, 4170.2.

9.40.010 - Definitions.

- A. "Abate" and "abatement" mean an action to seize, impound, forfeit or otherwise remedy a nuisance related activity or condition by such means and in such manner as is necessary to protect the health, safety or general welfare of the public.
- B. "City Prosecutor" shall include any authorized deputy City prosecutors.
- C. "Community property" means an interest in property as defined in California Family Code section 760.
- D. "Vehicle" means any transportation device as defined in California Vehicle Code section 670.
- E. "Prostitution" means engaging in lewd or sexual conduct for money or other consideration and includes all definitions contained in the California Penal Code.
- F. "Business day" means a day that Long Beach City Hall is open to conduct public business.
- G. As used in this Chapter, "drug activity" means the purchase or possession of any illegal controlled substance as defined in the California Health and Safety Code or the California Penal Code.

(Ord. C 7853 § 1, 2003)

9.40.020 - Nuisance vehicles.

- A. It shall be unlawful to use any vehicle to solicit an act of prostitution or in an attempt to solicit an act of prostitution, or used to engage in an act of prostitution, or to loiter for the purpose of soliciting an act of prostitution, and such vehicle is declared to be a public nuisance and shall be enjoined and abated as provided in this Section.
- B. It shall be unlawful to use any vehicle to acquire or in an attempt to acquire a controlled substance, any such vehicle is declared to be a public nuisance and shall be enjoined and abated as provided in this Section.

(Ord. C 7853 § 1, 2003)

9.40.030 - Seizure of vehicles.

A peace officer may seize a vehicle under the following circumstances:

- A. Upon the issuance of a forfeiture order by a court having jurisdiction over the vehicle;
- B. Incident to an arrest for any offense related to the illegal activities described in Subsection 9.40.020.A or Subsection 9.40.020.B;
- C. Incident to a valid search warrant for any offense related to the illegal activities described in Subsection 9.40.020.A or Subsection 9.40.020.B; or
- D. When there is probable cause to believe the vehicle was used in violation of this Chapter.

(Ord. C 7835 § 1, 2003)

9.40.040 - Title to vest in the City of Long Beach.

Subject to the provisions of this Chapter, all right, title and interest in any vehicle shall vest in the City of Long Beach immediately upon commission of the act giving rise to the public nuisance as described in this Chapter. A vehicle seized shall be impounded for thirty (30) days regardless of ownership and subject to disposition as provided in this Chapter.

(Ord. C 7853 § 1, 2003)

9.40.050 - Seizure, impoundment and notice.

Except as provided in this Chapter, all vehicles seized shall be impounded for not less than thirty (30) days. If the City prosecutor does not order a vehicle forfeited it shall be released to the registered owner(s), legal owner(s) or to an authorized agent subject to the payment of fees and costs arising from impoundment.

- A. Within two (2) business days following the day of seizure of the vehicle, the City of Long Beach shall send notice of seizure and impoundment by certified mail, return receipt requested, to each registered and legal owner of the vehicle at the address obtained from the Department of Motor Vehicles of this State or any other State or appropriate federal agency, informing the registered and legal owner(s) that the vehicle has been seized, impounded and may be subject to forfeiture.
- B. If a vehicle is impounded for thirty (30) days and thereafter is not claimed by the registered owner(s), the legal owner(s) or an authorized agent, the City will sell the vehicle at lien sale to recover the towing and storage charges related to impoundment, any parking fines, penalties, and administrative fees.
- C. Notwithstanding any other provisions of this Chapter, the registered owner(s) and/or the legal owner(s) shall be responsible for all towing and storage charges related to impoundment, any parking fines, penalties, and administrative fees incurred by the registered owner.
- D. The City shall not be liable to the registered owner for the release of the vehicle to the legal owner, or the legal owner's agent, provided the legal owner(s) produces documents demonstrating legal ownership of the vehicle at the time of the release.

(Ord. C 7853 § 1, 2003)

9.40.060 - Vehicles held as evidence.

A vehicle seized pursuant to this Chapter, where appropriate, may be held as evidence in any proceeding brought by the City Prosecutor or District Attorney.

(Ord. C 7853 § 1, 2003)

9.40.070 - Forfeiture.

Subject to the provisions of this Chapter, the City Prosecutor may order the forfeiture of a vehicle seized and impounded as follows:

- A. An order of forfeiture shall include:
 - 1. A statement by the City Prosecutor declaring the vehicle forfeited to the City;
 - 2. A description of the vehicle;
 - 3. The date and place of seizure;
 - 4. The unlawful act(s) alleged as the basis for forfeiture of the vehicle;
 - 5. Instructions and a form for filing a claim opposing forfeiture;
 - 6. The time limits for filing a claim opposing forfeiture;

7. An estimate of the value of the vehicle.
- B. An order of forfeiture shall be served as follows:
1. The order of forfeiture shall be served by personal delivery or certified mail, return receipt requested, upon all registered and legal owners of the vehicle.
 2. In the event that a registered or legal owner(s) refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one (1) of the following methods:
 - a. By leaving a copy of the order of forfeiture during usual business hours at the registered or legal owner's business address with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the registered or legal owner(s) where the copy was left;
 - b. By leaving a copy of the order of forfeiture at the registered or legal owner's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the registered or legal owner(s) at the address where the copy was left.
 3. If the registered or legal owner(s) lives or is located out of State and will not accept certified return receipt mail, then service may be made by first class mail.
 4. If the registered or legal owner(s) cannot be located, or service cannot be effected as set forth in this Subsection B, service may be made by publication in a Long Beach newspaper of general circulation. Service shall be deemed sufficient when it is accomplished pursuant to Government Code section 6063.
- C. An order of forfeiture shall be served as soon as practicable, but no later than thirty (30) days following the date the vehicle was seized. If the City prosecutor fails to order the forfeiture of the vehicle within the thirty (30) days, the vehicle shall be released to the registered owner(s), legal owner(s) or an authorized agent at the end of the thirty (30) day impoundment subject to the payment of fees and costs arising from impoundment.
- D. If no claim opposing forfeiture is timely filed pursuant to Section 9.40.080, the City Prosecutor shall prepare a written declaration of forfeiture of the vehicle to the City and dispose of the vehicle as provided by this Chapter. A written declaration of forfeiture signed by the City Prosecutor under this Chapter shall be deemed to provide good and sufficient title to the purchaser of the forfeited vehicle. A copy of the declaration of forfeiture shall be mailed to the person listed in the receipt given at the time of seizure and to all registered and legal owners of the vehicle.
- E. If a claim opposing forfeiture is timely filed pursuant to Section 9.40.080, then the City Prosecutor may file a petition of forfeiture with the superior court within thirty (30) days of the receipt of the claim(s). The petition of forfeiture shall seek a court order adjudging that the vehicle was used for one (1) or more of the nuisance purposes set forth in this Chapter, that the vehicle is a public nuisance and ordering the vehicle be forfeited, sold, and the proceeds distributed as set forth in this Chapter. A copy of the petition of forfeiture shall be mailed to each person filing a claim opposing forfeiture.

(Ord. C 7853 § 1, 2003)

9.40.080 - Claim opposing forfeiture.

- A. A person opposing an order of forfeiture for a vehicle seized pursuant to this Chapter must file a claim opposing forfeiture.
- B. If the order of forfeiture was served by personal or substitute service, the time for filing a claim opposing forfeiture is ten (10) calendar days.
- C. If the order of forfeiture was served by publication, the time for filing a claim opposing forfeiture is thirty (30) calendar days from the date of first publication of the order of forfeiture.
- D. If the last day to file a claim opposing forfeiture falls on a day that City Hall is closed, then the claim opposing forfeiture must be filed no later than the close of business on the next business day for the City.
- E. The provisions of California Code of Civil Procedure section 1013 shall apply to this service of the order of forfeiture pursuant to this Section.
- F. Each person filing a claim opposing forfeiture must state what ownership interest they have in the vehicle.
- G. All claims opposing forfeiture must be filed with the office of the City Prosecutor, Long Beach City Hall, second floor.

(Ord. C 7853 § 1, 2003)

9.40.090 - Vehicles not subject to forfeiture.

- A. A vehicle is not subject to impoundment or forfeiture and the City shall release a vehicle to the registered owner or legal owner(s) or to an authorized agent under any of the following circumstances:
 - 1. When the vehicle was a stolen vehicle.
 - 2. When the vehicle is subject to bailment and was driven by an employee of the bailee; such as a parking lot attendant or a garage mechanic.
- B. A vehicle is not subject to forfeiture if a community property interest existed in such vehicle prior to the act giving rise to the nuisance under this Chapter and the community property interest owner meets all of the following requirements:
 - 1. The community property interest owner requests release of the vehicle from the City Prosecutor prior to disposal of the vehicle by forfeiture.
 - 2. The community property interest owner submits proof that a community property interest existed prior to the date of the act giving rise to the nuisance to the City Prosecutor.
 - 3. The community property interest owner submits proof to the City Prosecutor that the vehicle is the only vehicle available to them and that the vehicle is one that may be operated with a class C driver's license.
 - 4. The community property interest holder submits proof to the City Prosecutor that he or she, or an authorized driver other than a defendant in any criminal trial arising out of the act giving rise to the nuisance in this Chapter, is properly licensed and that the seized vehicle is properly registered and insured pursuant to the California Vehicle Code.
 - 5. The community property interest holder is not a criminal suspect in a Police investigation of the act giving rise to the nuisance under this Chapter.
 - 6. All towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law are paid.
 - 7.

The community property interest owner signs a stipulated vehicle release agreement, in consideration for which the vehicle will not be forfeited. This requirement applies only if the community property interest owner requests release of the vehicle under this Section.

- C. A vehicle is not subject to forfeiture if the registered owner(s) or legal owner(s) of the vehicle is a rental car company and at the time of the seizure of the vehicle it was rented for a period of thirty (30) days or less. The rental car company shall pay all towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law.
- D. A vehicle is not subject to forfeiture if a domestic partnership existed prior to the act giving rise to the nuisance under this Chapter and the domestic partnership meets all of the following requirements:
 - 1. The domestic partner requests release of the vehicle from the City Prosecutor prior to disposal of the vehicle by forfeiture.
 - 2. The domestic partner submits proof to the City Prosecutor that the domestic partnership was registered with the State of California or the City of Long Beach prior to the date of the act giving rise to the nuisance.
 - 3. The domestic partner submits proof to the City Prosecutor that the vehicle is the only vehicle available to the domestic partnership and that the vehicle is one that may be operated with a class C driver's license.
 - 4. The domestic partner submits proof to the City Prosecutor that he or she is an authorized driver and is not a defendant in any criminal trial arising out of the act giving rise to the nuisance in this Chapter, is properly licensed and that the seized vehicle is properly registered and insured pursuant to the California Vehicle Code.
 - 5. The domestic partner is not a criminal suspect in a Police investigation of the act giving rise to the nuisance under this Chapter.
 - 6. All towing and storage charges related to the seizure and impoundment and any administrative charges authorized by law are paid.
 - 7. The domestic partner signs a stipulated vehicle release agreement, in consideration for which the vehicle will not be forfeited. This requirements applies only if the domestic partner requests release of the vehicle under this Section.

(Ord. C 7862 § 1, 2003; Ord. C 7853 § 1, 2003)

9.40.100 - Disposal of vehicle and distribution of proceeds.

- A. In all cases where vehicles seized pursuant to this Chapter are forfeited to the City, the vehicles shall be sold or otherwise disposed of and the proceeds shall be distributed and appropriated as follows:
 - 1. To any lender, finance company or lien holder with an interest in the vehicle, if any, up to the amount of security interest in the vehicle.
 - 2. Each department of the City that incurred costs related to the seizure, impoundment, forfeiture and disposal of the vehicle shall be reimbursed.
 - 3. All remaining proceeds shall be distributed to a special account established and maintained by the City of Long Beach for local crime prevention programs, neighborhood nuisance abatement efforts, and community development activities that improve the quality of life for the citizens of Long Beach in accordance with criteria to be developed by the City Manager.
 - 4. The funds distributed to a City department pursuant to this Section shall not supplant any funds that would, in the absence of this Section, be made available to support those departments.

(Ord. C 7853 § 1, 2003)

CHAPTER 9.42 - TRESPASSING

FOOTNOTE(S):

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State Law reference— Provisions on trespassing, Pen. C. § 602.

9.42.010 - Prohibited.

No person shall trespass in, upon, on, or across the property of another without the permission and consent of the person in charge or control thereof. The provisions of this Section shall have no application to a trespass committed by any officially authorized peace officer or law enforcement agent when such trespass is committed in the execution of such officer or agent's official duty, nor to any person visiting or calling at the residence or place of business of another person for the purpose of transacting any legitimate business.

(Prior code § 4620)

9.42.020 - Purpose.

Public safety is declared to require that the uninterrupted operation of certain industries essential to national defense, such as the aircraft manufacturing industry, and of companies or agencies supplying water, gas, electric and other essential services, be protected by preventing the intrusion upon the properties thereof of idle, curious or malicious persons, and of persons whose presence thereon is not necessary, and by prohibiting the loitering about such places by persons capable of inflicting harm or of impeding the operation conducted thereon. This Section is in no way intended to change, alter or amend, nor is it to be construed as changing, altering or amending Section 9.42.010, which Section covers trespassing upon unposted private property.

(Prior code § 4620.1(a))

9.42.030 - Definitions.

The following terms used in this Chapter, unless the context clearly indicates otherwise, shall have the respective meanings set forth in this Section:

- A. "Posted boundary" means a line running from sign to sign, and such line need not conform to the legal boundary or legal description of any lot, parcel or acreage of land, but only the area within the "posted boundary" shall constitute "posted property", except as otherwise provided in Subsection 9.42.040.B.
- B. "Posted property" means any property specified in Section 9.42.040 which is posted in a manner provided in Section 9.42.050
- C. "Sign" means a sign affixed not less than three feet (3'), nor more than six feet (6') above the ground at the place of posting as specified in Section 9.42.050, which sign shall consist of wood, metal, or other substantial material, with a face of not less than one (1) square foot in area and upon which, in letters not less than two inches (2") in height, either black against a white background, or white against a black background, or contrasting colors, appear, in addition to such other information as may be placed thereon, the following:

Trespassing-Loitering Forbidden by Law.

(Prior code § 4620.1(b))

9.42.040 - Property which may be posted.

Any property may be posted against trespassing and loitering in the manner provided in Section 9.42.050 and thereby become "posted property", subject to the provisions of this Chapter applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one (1) or more of the following:

- A. An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works used for the production, extraction, treatment, handling, storage, or transportation of oil, gas, gasoline, petroleum or any product or products thereof;
- B. A gas plant, gas producing well, gas storage station, gas tank, gas meter, gas main, gas holder, gas valve, or regulator station, gas odorant station, gas pipeline, compressor plant or appurtenances, or any other property used in the transmission, storage or distribution of gas;
- C. A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy;
- D. Plant, structures or facilities used for, or in connection with, the rendering of telephone or telegraph service or for radio broadcasting;
- E. A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility or conductor for producing, storing, diverting, conserving, treating or conveying, water;
- F. The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives;
- G. A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility;
- H. An airport, airplane landing field, a hangar, or any other property used for the manufacture or assembly or repair or testing of aircraft of any type or kind;
- I. Any shipyard, drydock or graving dock used for the construction, storage or repair of ships, boats or vessels.

(Prior code § 4620.1(c))

9.42.050 - Posting method.

Any property described in Section 9.42.040 may be posted against trespassing and loitering in the following manner:

- A. By posting signs along or near the exterior boundaries of the area of such property at intervals of not more than three hundred feet (300'), and also at each corner thereof, and, if such property has a definite entrance or entrances thereto, at each such entrance;
- B.

Any such property, if it consists of poles or towers or appurtenant structures for the suspension of wires or other conductors for conveying electricity or telegraphic or telephonic messages, by affixing a sign upon one (1) or more sides of such poles or towers, but such posting shall render only the pole or tower or appurtenant structure "posted property."

(Prior code § 4620.1(d))

9.42.060 - Entering on posted property prohibited.

No person shall enter or remain upon any posted property without the written permission of the owner, tenant or occupant in legal possession or control thereof. Every person who so enters or remains upon such posted property without such written permission is guilty of a separate offense for each day during any portion of which he enters or remains upon such posted property.

(Prior code § 4620.1(e))

9.42.070 - Sign destruction prohibited.

No person shall, without authority, tear down, deface or destroy any sign posted under the provisions of this Chapter.

(Prior code § 4620.1(f))

9.42.080 - Loitering near posted property prohibited.

No person shall loiter in the immediate vicinity of any posted property; provided, this Section does not prohibit peaceful picketing or any other lawful activity by which the public is informed of the alleged existence of any labor dispute.

(Prior code § 4620.1(g))

9.42.090 - Exceptions.

This Chapter does not apply to any entry, in the course of duty, of any peace or police officer or other duly authorized public officer, nor does it apply to the lawful use of an established and existing right-of-way for public road purposes, nor does it apply to any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public; nor does it prohibit any lawful activity for the purpose of engaging in any organizational effort on behalf of any labor union, agent or member thereof, or of any employee group, or any member thereof, employed, or formerly employed, in any place of business or manufacturing establishment described in this Chapter, or for the purpose of carrying on the lawful activities of labor unions or members thereof; nor does it prohibit any lawful activity for the purpose of investigation of the safety of working conditions on posted property by a representative of a labor union or other employee group who has upon his person written evidence of due authorization of his labor union or employee group to make such investigation.

(Prior code § 4620.1(h))

9.42.100 - Operating vehicles on private property prohibited.

A. No person shall operate or drive a motor vehicle, motorcycle, mini-bike, trail bike, dune buggy, motor scooter, jeep or other form or motor vehicular transportation upon the private property of another or upon any public property which is not held open to the public for any vehicular use and which is not subject to the provisions of the Vehicle Code of the State.

B.

The provisions of this Section shall not apply to emergency vehicles, governmental agencies or to persons driving upon such property with the written consent of the owner or person in lawful possession of such property or to the owner himself, his family, employees, agents or lessees.

(Prior code § 4620.2)

9.42.110 - Camping prohibited in certain areas—Exceptions.

- A. Unless otherwise provided, it shall be unlawful for any person to camp on public property (including rights-of-way), whether improved or unimproved, whether inside or outside a vehicle, between the hours of ten p.m. of one (1) day and five a.m. of the next day, except public property designated for overnight camping.
- B. This Section is in no way intended to change, alter or amend, nor is it to be construed as changing, altering or amending Section 9.42.010
- C. For the purposes of this Section, the term "camp" shall mean the use of tents or other temporary shelters, or non-city designated cooking facilities.
- D. A violation of this Section shall constitute a misdemeanor; except that any such violation may, in the discretion of the City Prosecutor, be charged and prosecuted as an infraction.

(Ord. C-7103 § 1, 1993; Ord. C-6984 § 1, 1992)

CHAPTER 9.46 - FLOOD CONTROL FACILITIES

9.46.010 - Use permit required.

No person, municipality, or district shall interfere with, destroy, or use in any manner whatsoever any levee, embankment, channel, dam, reservoir, rain, or stream gauges, telephone line, piling, fence or other stream protection work constructed by or on behalf of any public agency without a written permit therefor from the Council, which permit shall be revocable whenever in the opinion of the Council the public interest and welfare require the revocation thereof. No permit to use any flood control protection work or rights-of-way owned or constructed by the Los Angeles County Flood Control District shall be effective unless written permit so to do has also been obtained from the Board of Supervisors of the district.

(Prior code § 4612)

9.46.020 - Obstruction prohibited.

No person, municipality, or district shall place or cause to be placed in the channel or bed of any river, stream, wash, or arroyo, or upon any property over which the Los Angeles County Flood Control District has an easement for flood control purposes duly recorded in the office of the County Recorder, any wires, fence, building or other structure, or any refuse, rubbish, tin cans or other matter that may impede, retard, or change the direction of the flow of water in such river, stream, wash, or arroyo, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the storm and floodwaters would carry the same downstream to the damage and detriment of either private or public property adjacent to said river, stream, wash, arroyo, or channel.

(Prior code § 4612.1)

PART VII. - OFFENSES BY OR AGAINST MINORS

CHAPTER 9.52 - FIREARMS

FOOTNOTE(S):

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State Law reference— Provisions on weapons and minors, Pen. C. §§ 12550—12552.

9.52.010 - Sale of ammunition prohibited.

No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description to any person under the age of eighteen (18) years.

(Prior code § 4180.5)

9.52.020 - Possession prohibited.

No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

(Prior code § 4180.7)

CHAPTER 9.54 - DRUG PARAPHERNALIA

9.54.010 - Allowing minors in sales room.

No owner, manager, proprietor or other person in charge of any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for smoking or injecting, or consuming marijuana, hashish, PCP, or any controlled substance, as defined in the Health and Safety Code of the State, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen (18) years to be, remain in, enter or visit such room unless such minor person is accompanied by one (1) of his or her parents, or by his or her legal guardian.

(Ord. C-5671 § 1, 1981: prior code § 4180.9)

9.54.020 - Minor presence in sales room.

A person under the age of eighteen (18) years shall not be, remain in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivance, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one (1) of his or her parents, or his or her legal guardian.

(Ord. C-5671 § 2, 1981: prior code § 4180.9.1)

9.54.030 - Segregation and signposting of sales rooms.

A person shall not maintain in any place of business to which the public is invited, the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall be signposted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room and minors, unless accompanied by a parent or legal guardian, are excluded.

(Ord. C-5671 § 3, 1981: prior code § 4180.9.2)

9.54.040 - Violation—Nuisance.

The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this Section, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, is declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the State. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this Code.

(Ord. C-5671 § 4, 1981: prior code § 4180.9.3)

CHAPTER 9.56 - PRESSURIZED PAINT CONTAINERS

9.56.010 - Sale or purchase prohibited.

It is unlawful for any person to sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any pressurized can containing any substance commonly known as paint or dye to anyone under the age of eighteen (18) years, unless such person is the parent or legal guardian of said minor. It is unlawful for anyone under the age of eighteen (18) years to purchase any pressurized can containing paint or dye.

(Ord. C-5458 § 1 (part), 1978; prior code § 4630)

9.56.020 - Possession restricted.

Between the hours of six p.m. and six a.m. it is unlawful for any person under the age of eighteen (18) to have in his possession any pressurized can containing any substance commonly known as paint or dye while on any public highway, street, alley or way, park, playground, swimming pool, or other public place, whether such person is or is not in any automobile, vehicle or other conveyance.

(Ord. C-5458 § 1 (part), 1978; prior code § 4630.1)

9.56.030 - Possession prohibited in public parks and buildings.

It is unlawful for any person to have in his possession any pressurized can containing any substance commonly known as paint or dye while in any public park, playground, swimming pool, recreational facility (other than a highway, street, alley or way), except authorized employees of the City or an individual or authorized employee of an individual or company under contract with the City.

(Ord. C-5458 § 1 (part), 1978; prior code § 4630.2)

9.56.040 - Storage requirements.

Any business or establishment offering for sale to the public pressurized or aerosol paint containers shall keep, store and maintain such pressurized or aerosol paint containers in a place that is locked and secured or otherwise not directly accessible to the public.

(Ord. C-6770 § 1, 1990)

CHAPTER 9.57 - MARKING PENS AND ETCHING TOOLS

9.57.010 - Sale or purchase prohibited.

- A. No person shall sell or cause to be sold to any person under the age of eighteen (18) years any marking pen with a tip exceeding four (4) millimeters (four twenty-fifths of an inch) in size and containing anything other than a solution which can be removed with water after the solution dries.
- B. No person shall sell or cause to be sold to any person under the age of eighteen (18) years any etching tool capable of defacing property.
- C. Evidence of majority may be established by a document issued by the federal government or a State, County or municipal government including but not limited to a motor vehicle operator's license, a registration certificate issued under the Selective Service Act, a passport or an identification card issued to a member of the Armed Forces which identifies an individual and provides proof of the age of such individual.

(Ord. C-6770 § 2 (part), 1990)

9.57.020 - Storage requirements.

Any business or establishment offering for sale to the public marking pens or etching tools regulated by this Chapter shall keep, store and maintain such marking pens and etching tools in a place that is locked and secured, or otherwise not directly accessible to the public.

(Ord. C-6770 § 2 (part), 1990)

9.57.030 - Possession prohibited in streets and other public places.

No person under the age of eighteen (18) years shall have in his or her possession any marking pen or etching tool regulated by this Chapter while on any public street or alley or in any other public place unless such person is accompanied by a parent or guardian.

(Ord. C-6770 § 2 (part), 1990)

CHAPTER 9.58 - LOITERING

9.58.010 - Prohibition against juvenile being in public place between the hours of ten p.m. until six a.m. the following day.

- A. Curfew. It is unlawful for any minor under the age of eighteen (18) years to remain in or upon any "public place," as defined in Section 9.02.090, between the hours of ten p.m. until six a.m. the following day.
- B. Exceptions. The provisions of Subsection A of this Section shall not apply when:
 - 1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
 - 2. The minor is on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - 3. The minor is in a motor vehicle involved in interstate travel;
 - 4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - 5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
 - 6. The minor is on the sidewalk abutting the minor's residence;
 - 7. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;
 - 8. The minor is exercising First Amendment rights protected by the United States Constitution;
 - 9. The minor is emancipated pursuant to law.
- C. Enforcement. Before taking any enforcement action under this Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under Subsection B of this Section is present.

(Ord. C-7488 § 1, 1997; Ord. C-6503 § 1, 1988; Ord. C-5938 § 1, 1983)

9.58.020 - Prohibition against juvenile being in public place between the hours of eight-thirty a.m. until one-thirty p.m.

- A. Curfew. It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuing education, to remain in or upon any "public place," as defined in Section 9.02.090 of this Code, between the hours of eight-thirty a.m. until one-thirty p.m. on days when such minor's school is in session.
- B. Exceptions. The provisions of Subsection A of this Section shall not apply when:
 - 1.

The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;

2. The minor is on an emergency errand at the direction of the minor's parent or guardian, without any detour or stop;
 3. The minor is in a motor vehicle involved in interstate travel;
 4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
 6. The minor is going or coming to or from a medical appointment;
 7. The minor has permission to leave campus for lunch or other school-related activity and has in his or her possession a valid, school-issued, off-campus permit;
 8. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor;
 9. The minor is exercising First Amendment rights protected by the United States Constitution;
 10. The minor is emancipated pursuant to law;
 11. The minor is not required by his or her school vacation, track or curriculum schedule to be in school.
- C. Enforcement. Before taking any enforcement action under this Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under Subsection B of this Section is present.

(ORD-06-0025 § 1, 2006: Ord. C-7386 § 1, 1996)

CHAPTER 9.60 - REGULATION OF SEXUALLY EXPLICIT MATERIALS

9.60.010 - Definitions.

For purposes of this Chapter, the following definitions shall apply:

"Amusement machine" means the following apparatus operated by or for a patron or patrons for amusement, diversion or sport in exchange for financial or other valuable consideration: pinball machines; electronic or video games; shuffleboard games; mini-motion picture projectors; screens and structures; public video projectors, screens, stalls and structures; and the like.

"Explicit sexual act" means any depiction of sexual intercourse, anal intercourse, oral copulation, sodomy, bestiality or masturbation, whether actual or simulated.

"Knowingly" means knowing that any publication, by virtue of its apparent character, outward appearance or contemporary County-wide reputation, would cause the average adult to reasonably know or suspect that the publication depicts on the cover, or contains therein, sexually explicit material.

"Minor" means any natural person under eighteen (18) years of age.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

"Publication" means a book, magazine, newspaper or other publication or any matter containing photographs or pictorial representations.

"Sexual organ" means any of the anatomical parts of a person's genitals or anus.

"Sexually explicit material" means any photograph or pictorial representation which depicts sexual organs or explicit sexual acts when to the average adult such photograph or pictorial representation has as its primary purpose or effect sexual arousal, gratification or affront.

(Ord. C-6101 § 1 (part), 1984)

9.60.020 - Display to minors.

No person shall, for commercial purposes, knowingly display, cause to be displayed or permit to be displayed in any business where an amusement machine is open to use by minors any publication which depicts sexually explicit material unless such publication is stored in a display case, having a sliding glass door, or other substantially similar case, cabinet or device in which the publication would be entirely enclosed. Such publication shall also be displayed in such a manner as to prevent any of its sexually explicit material from being readily viewed by any minor.

A minor shall not be given access to any display case, cabinet or device which contains sexually explicit publications and shall not be permitted to purchase such sexually explicit publications at a location subject to this Chapter.

(Ord. C-6101 § 1 (part), 1984)

9.60.030 - Display in separate room.

The provisions of Section 9.60.020 requiring a display case, cabinet or device shall not apply if sexually explicit publications are displayed in a separate room or segregated area where minors are prohibited and where sexually explicit material cannot readily be viewed by a minor from outside such room or area.

(Ord. C-6101 § 1 (part), 1984)

9.60.040 - Exception.

Where minors are accompanied by a parent or guardian, they may be given access to a display case containing sexually explicit publications or be permitted into a separate room or segregated area where sexually explicit publications are displayed and from where minors would otherwise be prohibited.

(Ord. C-6101 § 1 (part), 1984)

9.60.050 - Penalty.

Any person who violates any provision of this Chapter is guilty of a misdemeanor.

(Ord. C-6101 § 1 (part), 1984)

9.60.060 - Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof. The City Council declares that it would have passed this ordinance codified in this Chapter, and each section, subsection, sentence, clause and phrase thereof even though any one (1) or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional.

(Ord. C-6101 § 1 (part), 1984)

CHAPTER 9.61 - SOCIAL HOST REGULATIONS

9.61.010 - Purpose and intent.

A. The purpose and intent of this Chapter are:

1. To facilitate the enforcement of laws prohibiting the service to and consumption of alcoholic beverages by minors as well as to deter the service to and consumption of alcoholic beverages by minors, and to promote the reduction of underage drinking;
2. To protect public health, safety, general welfare and quiet enjoyment of property and properties neighboring the location of gatherings at which minors are served and consume alcoholic beverages;
3. To establish a duty of persons twenty-one (21) years of age or older having control over any premises, who knowingly hosts, permits or allows a gathering at the premises, to take reasonable steps to prevent the service and consumption of alcoholic beverages by minors;
4. To provide opportunities for education and behavior modification to first-time offenders violating this Chapter;
5. To provide recovery of law enforcement and/or fire response costs.

(ORD-14-0001, § 1, 2014)

9.61.020 - Definitions.

For purposes of this Chapter, the following terms shall have the following meanings:

- A. "Adult" shall mean a person who is twenty-one (21) years of age or older.
- B. "Alcohol" shall mean ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- C. "Alcoholic Beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half (½) of one percent (1%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- D. "Control" shall mean any form of dominion including ownership, tenancy or other possessory right.
- E. "Gathering" shall mean a party, gathering, or event where a group of two (2) or more persons have assembled or are assembling for a social occasion or social activity.
- F. "Legal Guardian" shall mean:
 1. A person who, by court order, is the guardian of the person of a minor, or
 2. A public or private agency with whom a minor has been placed by a court of competent jurisdiction.
- G. "Minor" shall mean any person less than twenty-one (21) years of age.
- H. "Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.
- I.

"Enforcement Services" shall mean the salaries and benefits of police officers or other code enforcement officers for the amount of time actually spent in responding to or in remaining at the residence or premises and the administrative costs attributable to the incident, the actual cost of any medical treatment to injured police officers or other code enforcement officers as a result of injuries suffered in responding to or in remaining at the residence or premises, the cost arising from the use of any City equipment in responding to or remaining at the residence or premises, and the cost of repairing any damaged City equipment or property used in responding to or in remaining at the residence or premises.

- J. "Residence" or "Premises" shall mean a house, yard, apartment, condominium, or other dwelling unit, a hotel or motel room, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for living space or for a party, meeting, or other social function or gathering, and whether owned, leased rented, or used with or without compensation.

(ORD-14-0001 , § 1, 2014)

9.61.030 - Prohibition on hosting, permitting or allowing a gathering at which minors consume alcoholic beverages.

It is unlawful for any adult to host, permit or allow a gathering to take place at the premises where one (1) or more minors consumes an alcoholic beverage, whenever such adult either:

- A. Intentionally serves or causes to be served an alcoholic beverage to a minor for consumption; or
- B. Knows or reasonably should have known that a minor possesses or has consumed an alcoholic beverage and thereafter fails to immediately take appropriate action to prevent further possession or consumption of alcoholic beverages by any minor.
- C. This Section shall not apply to any location or place regulated by the California Department of Alcohol and Beverage Control.
- D. The provisions of this Chapter shall not apply to legally protected religious ceremonies.
- E. Law enforcement officers shall have the discretion of writing violators a warning prior to an official citation.

(ORD-14-0001 , § 1, 2014)

9.61.040 - Recovery of response costs.

When a law enforcement, fire, or other emergency response provider responds to a gathering at a premises at which there is service to, or consumption of alcohol or alcoholic beverages by a minor(s), all responsible persons shall be jointly and severally liable for the City's costs of responding to the gathering.

(ORD-14-0001 , § 1, 2014)

9.61.050 - Penalty for violations.

- A. Any violation of this Chapter shall be subject to enforcement in accordance with the administrative citation and penalties of Chapter 9.65
- B. Any violation of this Chapter shall be subject to prosecution as a misdemeanor or infraction by the City Prosecutor's Office in accordance with the provisions of Section 1.32.010

(ORD-14-0001 , § 1, 2014)

9.61.060 - Severability.

In the event any portion of Chapter 9.61 is deemed to be unenforceable, or is in conflict with applicable law, the remainder of Chapter 9.61 will be enforced and will remain in full force and effect.

(ORD-14-0001, § 1, 2014)

PART VIII. - WEAPONS

CHAPTER 9.62 - FIREARMS DISCHARGE

FOOTNOTE(S):

--- (9) ---

State Law reference— Provisions on the discharge of firearms, Pen. C. § 246.

9.62.010 - Permit required.

No person shall shoot or discharge any gun, compressed air gun, rifle, pistol, or other firearm without first having obtained a written permit from the Chief of Police so to do; provided, however, that nothing contained in this Section shall apply to the shooting or discharging of any gun, pistol or other firearm by any Police Officers or other law enforcement agent in the discharge of his or her official duties, nor to the discharge or shooting of firearms in any licensed shooting gallery, target or other gun or rifle range or any theatrical performance or exhibition.

(Prior code § 4130.5)

CHAPTER 9.64 - PROHIBITED WEAPONS

FOOTNOTE(S):

--- (10) ---

State Law reference— Provisions on the control of deadly weapons, Pen. C. § 12000 et seq.

9.64.010 - Use of whips, ticklers or throwing confetti.

It is declared to be a nuisance, unlawful and a misdemeanor to use whips and ticklers, or any such devices, or to throw confetti in any public places as defined in this Title.

(Prior code § 4130.8)

9.64.020 - Slingshots or catapults.

No person shall use or have in his possession any catapult, slingshot or other device capable of throwing stones, shot or metal slugs. This Section shall not apply to amusement games or exhibitions carried on under permit from the City. Any such devices taken from any person unlawfully possessing the same are declared to be nuisances and shall be subject to confiscation and summary destruction under direction of the Police Department.

(Prior code § 4130.10)

PART IX. - ENFORCEMENT

CHAPTER 9.65 - ADMINISTRATIVE CITATIONS AND PENALTIES

FOOTNOTE(S):

--- (11) ---

Editor's note— ORD-09-0022, § 6 adopted Aug. 4, 2009, amended Ch. 9.65 in its entirety to read as herein set out. Former Ch. 9.658, §§ 9.65.010—9.65-200 pertained to similar subject matter and derived from ORD-05-0001, § 2, 2005; ORD-06-0012, § 6, 2006; and ORD-07-0047, §§ 1, 2, 2007.

9.65.010 - Legislative findings and statement of purpose.

- A. Enforcement of the Long Beach Municipal Code throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, welfare and quality of life. The City Council recognizes that a comprehensive code enforcement system that uses a combination of administrative and judicial remedies helps to gain compliance with Code regulations.
- B. The overburdening of the criminal court system has necessitated the alternative use of an administrative citation program to more effectively adjudicate the majority of nuisance related Code violations. An administrative citation program and the establishment of appropriate fines are intended to act as a reasonable deterrent in preventing violations of the Long Beach Municipal Code.
- C. The City Council hereby finds that there is a need for an alternative method of enforcement of the Municipal Code in accordance with the City's constitutional police power. The City Council further finds that an appropriate method of enforcement is the imposition of administrative penalties as independently authorized by both California Constitution Article XI, Section 7, and Government Code, Section 53069.4.
- D. The procedures established in this Chapter shall be in addition to any criminal, civil or other legal remedy established by law for violation of the Municipal Code.
- E. The City Council hereby finds and determines that enforcement of the Long Beach Municipal Code pursuant to the City's police power is a matter of public health, safety and welfare and serves important public purposes. The City of Long Beach adopts this administrative citation and penalty program in order to achieve the following goals and objectives:
 - 1. To protect the public health, safety and welfare of the citizens of the City.
 - 2. To gain compliance with the Municipal Code in a timely and efficient manner.
 - 3. To provide for an administrative process to appeal the imposition of administrative citations and fines.
 - 4. To provide a method to hold parties responsible when they fail or refuse to comply with the provisions of the Municipal Code.
 - 5. To avoid and/or minimize the expense and delay of enforcement in the civil or criminal justice system.

- F. Use of this Chapter shall be at the sole discretion of the City, subject to Subsection D of this Section.

(ORD-09-0022, § 6, 2009)

9.65.020 - Definitions.

- A. "Canopy structure" means and includes freestanding exterior shade structures that consist of a cover made from canvas, fabric, plastic, rubber, nylon, acetate or other pliable material that is fitted over a freestanding metal frame.
- B. "Cited party" means a legally responsible person who has been issued an administrative citation.
- C. "City" means the City of Long Beach.
- D. "Continuing violation" means any condition or activity in violation of the Municipal Code that continues beyond the date given in the administrative citation to correct the violation.
- E. "Correction period" means that period of time in which responsible persons are required to correct or otherwise remedy the violation(s)
- F. "Enforcement officer" shall mean any officer or employee of the City designated with the authority to enforce the applicable provisions of the Long Beach Municipal Code.
- G. "Hearing Officer" means an individual who has been designated by the City Manager to adjudicate administrative citation appeals.
- H. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- I. "Inoperative vehicle" shall include:
 - 1. Any vehicle, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power, which is not currently and validly registered for operation or use on the streets and highways in the State as required under the provisions of the California Vehicle Code; or
 - 2. Any motor vehicle which currently is incapable of being driven under its own motor power; or
 - 3. Any nonmotor vehicle which currently is incapable of being moved or drawn.
- J. "Lot" means an area of land, parcel or tract, whether improved or unimproved, the boundaries of which have been established in conformance with the State Subdivision Map Act, and which has either been recorded via a final tract map or certificate of compliance on record with the Los Angeles County Recorder.
- K. "Lot cleaning levy" means all computed expenses incurred by the City in removal of weeds and/or debris, from any lot, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, actual expenses for weeds and/or debris removal charged to the cited party.
- L. "Responsible person" means any individual who is the owner, partial owner, or occupant of real property, last registered owner and/or legal owner of a vehicle, the holder or the agent of the holder of any permit or entitlement, or the party or agent of a party to any agreement covered by this Chapter; or the owner or authorized agent of any business, company or entity subject to this Chapter, who creates, commits or maintains a violation subject to the enforcement provisions of this Chapter.
- M. "Vehicle removal levy" means all computed expenses incurred by the City in the removal of inoperative vehicle(s) from public or private property within the City, and shall consist of processing fees, incidental enforcement costs, including, but not limited to, land and vehicle title search information, and actual expenses incurred for inoperative vehicle removal, impoundment or disposal.
- N. "Weeds" and/or "debris" means and includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse, trash and rubbish of any kind or description, or wood, asphalt, concrete or similar materials, tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are, or may become, a refuge or breeding place for insect and vermin, or which conceal or are capable of

concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

(ORD-09-0022, § 6, 2009)

9.65.030 - Weed abatement activity.

It shall be the duty of all responsible persons to at all times keep lots clean and free from weeds and/or debris.

(ORD-09-0022, § 6, 2009)

9.65.040 - Inoperative vehicle activity.

It shall be the duty of responsible persons to prevent accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof, except for those vehicles or parts thereof exempted pursuant to Long Beach Municipal Code, Section 10.46.030.

(ORD-09-0022, § 6, 2009)

9.65.050 - Prohibited canopy structure.

Canopy structure as defined in Subsection 9.65.020.A may not:

- A. Be located in residential front or side yard setback areas, or driveway areas used for automobile parking;
- B. Have a setback of less than four feet (4') from the side and rear property lines;
- C. Be maintained in a manner that is defective, unsightly or in a condition of deterioration; or
- D. Be greater than ten feet (10') in height.

(ORD-09-0022, § 6, 2009)

9.65.060 - Issuance of administrative citation.

- A. Any responsible person who violates any provision of this Title and Titles 3, 5, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code may be issued an administrative citation, pursuant to this Chapter, by an enforcement officer designated to issue such citations.
- B. Each and every day a violation exists constitutes a separate and distinct offense.
- C. A civil fine shall be assessed by means of an administrative citation issued by the enforcement officer and shall be payable directly to the City of Long Beach.
- D. Fines shall be assessed for Code violations committed by the same responsible person as follows:
 - 1. A fine for each initial violation, in an amount established by the City Council by resolution;
 - 2. A fine for each instance of a second violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
 - 3. A fine for each additional violation of the same Code section within one (1) year from the date of the first violation, in an amount established by the City Council by resolution;
 - 4. A fine for each violation of Municipal Code, Section 21.41.170 illegal garage conversions, 18.02.050 for dangerous buildings, 18.08.010 for certificates of occupancy, 18.09.010 for failure to comply with Title 18, and/or Subsection 21.31.245.C unlawful dwelling units, in an amount established by the City Council by resolution; and

5.

A fine for each violation of Municipal Code, Section 21.51.227 relating to illegal automotive work, in an amount established by the City Council by resolution.

(ORD-11-0012, § 3, 2011; ORD-09-0022, § 6, 2009)

9.65.070 - Service procedures.

An administrative citation on a form approved by the City Manager may be served upon any responsible person by an enforcement officer in the following manner:

- A. Personal service. In any case where an administrative citation is issued:
 - 1. The enforcement officer shall attempt to locate and personally serve the responsible person(s) and obtain the signature of the responsible person(s) on the administrative citation;
 - 2. If the responsible person(s) refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative citation or any subsequent proceedings.
- B. Service of citation by posting notice. If the enforcement officer does not succeed in personally serving a responsible person(s):
 - 1. The enforcement officer shall post the administrative citation or duplicate thereof in a conspicuous place on the lot where the violation(s) exists or has occurred, and such posting shall be deemed effective service;
 - 2. Any posted notice shall be photographed on the date of posting by the enforcement officer, and a proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.
- C. Service of citation by mail. If the enforcement officer does not succeed in personally serving a responsible person(s), in addition to posting notice:
 - 1. The administrative citation or duplicate thereof shall be mailed to the responsible person(s) at his or her residence or place of business by depositing the same in the United States Mail, postage prepaid as first class mail;
 - 2. A proof of service of the notice shall be made by declaration of the enforcement officer effecting the service.

(ORD-09-0022, § 6, 2009)

9.65.080 - Contents of notice.

Each administrative citation shall contain the following information:

- A. The date of service of the citation and the date, time, address or description of the location where the violation(s) was observed.
- B. The Code section(s) and condition(s) violated and a description of the violation(s)
- C. An order to the responsible person(s) to correct the violation(s) no later than the specified correction date.
- D. An explanation of the consequences of failure to correct the violation(s) in a timely manner.
- E. The amount of the fine for the violation(s).
- F. An explanation of how the fine shall be paid and the fine payment due date.
- G. Notice of the right to appeal the citation, the time within which the citation may be appealed and the place to obtain a request for hearing form to appeal the administrative citation.

- H. The name and signature of the enforcement officer and, if obtained, the signature(s) of the responsible person(s).

(ORD-09-0022, § 6, 2009)

9.65.090 - Satisfaction of administrative citation.

Upon service of an administrative citation, the cited party shall do the following:

- A. Remedy the violation(s) no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Correcting the violation(s) shall not excuse or discharge payment of the fine.
- B. Pay the fine no later than thirty (30) days from the date of issuance of the citation as specified on the administrative citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s), nor shall it bar further enforcement action by the City. Late charges shall be imposed for fine payments made after the fine payment due date. The late charge shall be calculated at a rate of twenty-five percent (25%) of the fine, and will be imposed in addition to any outstanding fine.

(ORD-09-0022, § 6, 2009)

9.65.100 - Appeal of administrative citation.

- A. Any recipient of an administrative citation may appeal said citation by completing a written request for hearing form, obtained as directed on the citation, and returning it to the department, indicated on the citation, within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, together with a deposit in the total amount of the fine and any late charges.
- B. A failure to file a timely appeal of the administrative citation shall be deemed a waiver of the right to appeal and to seek judicial review.

(ORD-09-0022, § 6, 2009)

9.65.110 - Appeal hardship waiver.

- A. Any person who intends to appeal the administrative citation and who is financially unable to make the advance deposit as required in Section 9.65.100 may request an advance deposit hardship waiver by completing a written deposit waiver form obtained as directed on the citation.
- B. The deposit waiver request form shall be filed together with the appeal in the department indicated on the citation within thirty (30) calendar days from the date the administrative citation is served or deemed to have been served.
- C. The deposit requirement as described in Subsection 9.65.100.A shall be stayed unless or until the Director of the department indicated on the citation, or his/her designee, makes a determination regarding the waiver request.
- D. The Director of the department indicated on the citation, or his/her designee, may waive the requirement of an advance deposit only if the cited party submits to the Director, or his/her designee, a statement under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Director, or his/her designee, the cited party's actual financial inability to deposit with the City the full amount of the fine and late charge(s) in advance of the hearing.

E.

If the Director of the department indicated on the citation, or his/her designee, declines to issue a waiver, the cited party shall remit the full deposit to the City within ten (10) calendar days of the date of that decision or thirty (30) calendar days from the date the administrative citation is served or deemed to have been served, whichever is later.

- F. The Director of the department indicated on the citation, or his/her designee, shall issue a written determination listing the reasons for his/her determination to issue or not issue the hardship waiver. The written determination shall be final.
- G. The written determination of the Director, or his/her designee, shall be served personally or by first class mail, postage prepaid, upon the cited party who applied for the hardship waiver.

(ORD-09-0022, § 6, 2009)

9.65.120 - Hearing procedure.

- A. No hearing to appeal an administrative citation shall be held unless and until a request for hearing form has been completed and submitted, as indicated on the citation, and the deposit has been paid, or a hardship waiver has been issued.
- B. A hearing before the Hearing Officer shall be set for a date not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The cited party requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the cited party has created, committed, or maintained the violation(s). Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify, if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present his/her case as is allowed to the City.
- D. The cited party contesting the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation. The City's case shall be presented by any person designated by the City Manager. The appellant and City may be represented by counsel.
- E. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.
- F. The administrative citation and any additional documents prepared by the City in connection with the violation(s) may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- G. If the enforcement officer or his/her designee submits any additional documents concerning the administrative citation to the Hearing Officer for consideration at the hearing, then, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- H. The Hearing Officer may continue the hearing or request additional information from the enforcement officer, his/her designee or the appellant prior to issuing a written decision.

(ORD-09-0022, § 6, 2009)

9.65.130 - Hearing Officer's decision.

- A. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing. The decision of the Hearing Officer shall be final.
- B. If the Hearing Officer denies the appeal, then the deposit shall be retained by the City.
- C. If the Hearing Officer grants the appeal, then the City shall refund the deposit within thirty (30) business days from the date of the final written decision.
- D. The appellant and City shall each be served with a copy of the Hearing Officer's written decision.

(ORD-09-0022, § 6, 2009)

9.65.140 - Failure to pay fines.

- A. The failure of the cited party to pay a civil fine or late penalty in a timely manner may result in the imposition of a special assessment and/or lien against the real property on which the violation occurred, after which the amount so determined shall bear interest at the rate of twelve percent (12%) per annum until paid, and/or filing of an action with the Small Claims Court for recovery of the fine and late penalty. The only issue to be adjudicated by the Small Claims Court shall be whether or not the fines and possible late fees were paid. A cited party may only obtain judicial review of the validity of the citation by first requesting and participating in an administrative hearing before a Hearing Officer. In the Small Claims Court action, the City may also recover its costs, according to proof.
- B. The City may also refuse to issue, extend or renew to any cited party who has unpaid delinquent fines, interest, penalties, liens or assessments, any City permit, license, entitlement or other City approval pertaining to the lot that is the subject of the fine and administrative citation.
- C. Any permit, license, entitlement or land use approval issued by the City may be subject to suspension or revocation of the permit, license, entitlement, or land use approval in accordance with the procedures set forth in this Title 9 and Titles 3, 5, 6, 8, 10, 14, 18 and 21 of the Long Beach Municipal Code if any unpaid fine, interest or penalties remain delinquent for a period of more than thirty (30) days.

(ORD-11-0012, § 4, 2011; ORD-09-0022, § 6, 2009)

9.65.150 - Failure to remedy weed abatement activity.

In the event a responsible person(s) is cited for violation of weed abatement, pursuant to Section 9.65.030 of this Chapter, and fails to correct the violation within the specified correction period, and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a lot cleaning levy shall also be imposed. A lot cleaning levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022, § 6, 2009)

9.65.160 - Failure to remedy inoperative vehicle activity.

In the event a responsible person(s) is cited for violation of inoperative vehicles pursuant to Section 9.65.040 of this Chapter, and fails to correct the violation within the specified period and also fails to file a timely appeal of the administrative citation as set forth in Section 9.65.100 of this Chapter, in addition to fine(s), late charges, and consequences resulting from failure to pay fines as defined in this Chapter, a

vehicle removal levy shall also be imposed. A vehicle removal levy payment notice shall be served upon the cited party in the same manner as provided for service of the administrative citation set forth in Section 9.65.070 of this Chapter.

(ORD-09-0022, § 6, 2009)

9.65.170 - Appeal of lot cleaning and inoperative vehicle levy.

- A. Any recipient of lot cleaning or inoperative vehicle levy payment notice may appeal the reasonableness of the computed charges by completing a levy hearing request form and returning it to the department indicated on the administrative levy notice within fifteen (15) calendar days from the date the levy notice was served, together with a deposit in the total amount of the administrative citation fine, late charges and levy.
- B. A hearing on the appeal shall be set for a date that is not sooner than fifteen (15) calendar days and not more than sixty (60) calendar days from the date that the request for hearing is completed and submitted in accordance with the provisions of this Chapter. The person requesting the hearing shall be notified in writing of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.
- C. The Hearing Officer shall only consider evidence that is relevant to whether the costs used to compute the levy are reasonably related to abatement costs incurred by the City. Courtroom rules of evidence shall not apply. Relevant hearsay evidence and written reports may be admitted whether or not the speaker or author is present to testify if the Hearing Officer determines that such evidence is reliable. Admission of evidence and the conduct of the hearing shall be controlled by the Hearing Officer in accordance with the fundamentals of due process. The Hearing Officer may set reasonable limits on the length of the hearing, and shall allow the appellant at least as much time to present its case as is allowed the City.
- D. The cited party contesting the reasonableness of the levy shall be given the opportunity to testify and present witnesses and evidence concerning the computed cost. The appellant and City may be represented by counsel.
- E. The administrative citation and any additional documents prepared by the City in connection with the levy may be submitted and shall constitute prima facie evidence of the respective facts contained in those documents.
- F. In the event additional documents concerning the levy are provided to the Hearing Officer for consideration, whenever possible, a copy of such document(s) shall be served by mail on the appellant at least five (5) calendar days prior to the date of the hearing.
- G. The Hearing Officer may continue the hearing or request additional information from the City or the appellant prior to issuing a written decision.
- H. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision within fifteen (15) business days of the hearing.
- I. The appellant and the City shall each be served by mail with a copy of the Hearing Officer's written decision.
- J. If the Hearing Officer determines that the levy was properly computed, and should be upheld as reasonable, then the entire deposit with the City shall be retained by the City.
- K. In the event the Hearing Officer determines the levy, or any portion thereof, to be unreasonable, then that amount shall be refunded within fifteen (15) business days of the date of the written determination.

L. The failure of the appellant to appear at the hearing shall constitute a forfeiture of the entire deposit and a failure to exhaust administrative remedies.

M. A failure to file a timely appeal shall be deemed a waiver of the right to appeal the levy.

(ORD-09-0022, § 6, 2009)

9.65.180 - Dismissal of citation.

The enforcement officer, with the approval of the Director from the department indicated on the citation, or his/her designee, may dismiss an administrative citation at any time if it is determined to have been issued in error, in which event any deposit will be refunded.

(ORD-09-0022, § 6, 2009)

9.65.190 - Right to judicial review.

A. Either the City or the appellant aggrieved by a decision of a Hearing Officer on an administrative citation or levy, may obtain review of the decision by filing a petition for review with the Los Angeles Superior Court in accordance with the time lines and provisions as set forth in California Government Code, Section 53069.4(b). Said procedure shall be available for all judicial review under this Chapter, notwithstanding that the term or condition being enforced pursuant to this Chapter may not be a matter covered by Section 53069.4(a). Judicial review of a citation shall not be available unless all administrative remedies have been exhausted as provided in this Chapter.

B. Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

(ORD-09-0022, § 6, 2009)

9.65.200 - Recovery of Code enforcement abatement costs.

The administrative citation process described in this Chapter does not preclude the City from recovering any other Code violation or nuisance abatement costs incurred by the City in performing its Code enforcement efforts.

(ORD-09-0022, § 6, 2009)

CHAPTER 9.66 - SEX OFFENDER RESIDENCY RESTRICTIONS

FOOTNOTE(S):

--- (12) ---

Editor's note— ORD-08-0036, § 1, adopted Dec. 2, 2008, amended Ch. 9.66 in its entirety to read as herein set out. Former Ch. 9.66, §§ 9.66.010—9.66.210, pertained to similar subject matter and derived from ORD-08-0004 § 1 (part), 2008.

9.66.010 - Definitions.

For purposes of this Chapter only, and unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

- A. "Child" or "Children" shall mean any person(s) under the age of eighteen (18) years of age.
- B. "Child Day Care Facility" shall mean any State of California, Department of Social Services ("CDSS") licensed facility, as that term is defined under Health and Safety Code Section 1596.750, that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis, including, but not limited to, day care center, employer-sponsored child care center, family day care home, infant center, preschool, extended-day care facility, or school-age child care center.
- C. "Duplex" shall mean a residential land use for a building containing two (2) dwelling units.
- D. "Hotel/Motel" shall mean a commercial land use for the rental of six (6) or more guest rooms or suites for primarily temporary residency for a period of not more than thirty (30) consecutive days.
- E. "Inn" shall mean a commercial land use for the rental of five (5) or fewer guest rooms or suites primarily for temporary residency for a period of not more than thirty (30) consecutive days.
- F. "Knowingly" shall mean with knowledge of the existence of the facts in question. Knowledge of the unlawfulness of any act or omission is not required.
- G. "Multifamily Dwelling" shall mean a building designed for permanent residency for three (3) or more families living independently of each other. This does not include hotels, motels or inns.
- H. "Owner's Authorized Agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, officer or employee authorized to act for the owner of real property.
- I. "Park" shall include any areas publicly-owned, leased, controlled, maintained or managed by the City or County which are open to public use for recreational, cultural and/or community service activities, and include, but are not limited to, beaches, playgrounds, playfields, athletic courts, and dog park recreation areas, as well as those areas specifically dedicated or designated as "parks" in Chapter 21.35 of this Code.
- J.

"Permanent Resident" shall mean any person who, as of a given date, obtained a legal right to occupy or reside in a duplex, multifamily dwelling, single-family dwelling, hotel, motel or inn for a period of more than thirty (30) consecutive days.

- K. "Property Owner" shall mean the owner of record of any parcel of real property as designated on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of such real property.
- L. "Residential Exclusion Zone" shall include those areas located within two thousand feet (2,000') of the nearest property line of the subject property to the nearest property line of a child day care facility, public or private school (grades K through 12), or park in which a sex offender is prohibited from temporarily or permanently residing.
- M. "Responsible Party" shall mean the property owner and/or the owner's authorized agent.
- N. "Sex Offender" means any person convicted of a crime on or after the effective date of the ordinance from which this Chapter derives, for which registration is required pursuant to Section 290 of the California Penal Code.
- O. "Single-Family Dwelling" means one (1) permanent residential dwelling located on a single lot. For purposes of this Chapter, single-family dwelling shall not include any State-licensed residential facility which serves six (6) or fewer persons.
- P. "Temporary Resident" means any person who, as of a given date, obtained a legal right to occupy or reside in a duplex, multifamily dwelling, single-family dwelling, hotel, motel or inn for a period of thirty (30) consecutive days or less.

(ORD-08-0036, § 1, 2008)

9.66.020 - Sex offender prohibition residential exclusion zone.

A sex offender shall be prohibited from becoming a permanent or temporary resident in any residential exclusion zone.

(ORD-08-0036, § 1, 2008)

9.66.030 - Sex offender prohibition—Single-family dwellings.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a single-family dwelling if said dwelling is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.040 - Sex offender prohibition—Duplex and multifamily dwellings.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a duplex and/or multifamily dwelling unit if said dwelling unit is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.050 - Sex offender prohibition—Hotel/motel/inn rooms.

A sex offender shall be prohibited from becoming a permanent or temporary resident in a hotel, motel, or inn room if said room is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.060 - Responsible party prohibition—Single-family dwellings.

A responsible party shall be prohibited from knowingly renting or leasing a single-family dwelling to more than one (1) sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.070 - Responsible party prohibition—Duplex and multifamily dwellings.

A responsible party shall be prohibited from knowingly renting or leasing any unit within a duplex and/or multifamily dwelling to more than one (1) sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.080 - Responsible party prohibition—Hotel/motel/inn.

A responsible party shall be prohibited from knowingly renting or leasing a guest room in a hotel, motel, or inn to more than one (1) sex offender, unless those persons are legally related by blood, marriage or adoption.

(ORD-08-0036, § 1, 2008)

9.66.090 - Criminal penalties.

Any person who violates any provision of this Chapter is guilty of a misdemeanor subject to the penalties set forth in Section 1.32.010 of this Code.

(ORD-08-0036, § 1, 2008)

9.66.110 - Criminal penalties do not satisfy administrative or civil actions.

Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for a criminal violation of Chapter 9.66 shall satisfy or diminish the authority of the City to commence civil or criminal proceedings under applicable civil, penal or Municipal Code provisions as an alternative or in addition to the proceedings set forth in this Chapter.

(ORD-08-0036, § 1, 2008)

9.66.120 - Civil actions.

- A. Civil actions include, but are not limited to, injunctive relief and civil and/or administrative actions or proceedings as defined in State law and local ordinances.
- B. Any person required to comply with the provisions of this Chapter shall be liable in a civil action filed by the City in any court of competent jurisdiction in order to enforce such provision and to pay reasonable abatement costs incurred by the City and costs of the suit as a court may deem appropriate, including any and all Attorney fees incurred by the City in the prosecution of said enforcement action.

(ORD-08-0036, § 1, 2008)

CHAPTER 10.02 - DEFINITIONS

FOOTNOTE(S):

--- (1) ---

State Law reference— Provisions on definitions, Veh. C. § 100 et seq.

10.02.010 - Generally.

Whenever any words or phrases used in this Title are not defined in this Chapter, but are defined in the Vehicle Code of the State such definitions are incorporated in this Chapter and shall be deemed to apply to such words and phrases as though set forth in this Chapter in full. The words and phrases in this Chapter, when used in this Title, shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter.

(Prior code § 3410.1 (part))

10.02.020 - Central traffic district.

"Central traffic district" means all that area bounded and described as follows:

Beginning at the point of the intersection of the prolongation of the westerly line of Pacific Avenue with the southerly line of Ocean Boulevard; thence northerly along the westerly line of Pacific Avenue and Pacific Avenue West to the northerly line of Seventh Street; thence easterly along the northerly line of Seventh Street to the easterly line of Elm Avenue; thence southerly along the easterly line of Elm Avenue to the southerly line of Ocean Boulevard, and thence westerly along the southerly line of Ocean Boulevard to the point of beginning.

(Prior code § 3410.1 (part))

10.02.030 - Curb mailbox mailing zone.

"Curb mailbox mailing zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the period necessary for any occupant to deposit mail in a curb mailbox placed and signed for this purpose.

(Prior code § 3410.1 (part))

10.02.040 - Holidays.

Within the meaning of this Chapter, holidays are as defined in California Government Code, Section 6700, as it may be amended from time to time.

(ORD-09-0021, § 1, 2009; Prior code § 3410.1 (part))

10.02.050 - Loading zone.

"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Prior code § 3410.1 (part))

10.02.060 - Official time standard.

Whenever certain hours are named in this Title, they shall mean standard time or daylight saving time, as may be in current use in this City.

(Prior code § 3410.1 (part))

10.02.070 - Parking meter.

"Parking meter" means any mechanical device which, when the mechanism thereof is set in motion, indicates unexpired parking time for the vehicle parked adjacent thereto.

(Prior code § 3410.1 (part))

10.02.080 - Parking meter space.

"Parking meter space" means a parking space of sufficient size to permit the parking of one (1) vehicle only adjacent to a parking meter within a parking meter zone.

(Prior code § 3410.1 (part))

10.02.090 - Parking meter zones.

"Parking meter zones" means portions of streets, or City-owned or leased land, upon which the parking of vehicles is regulated with the aid of parking meters.

(Prior code § 3410.1 (part))

10.02.100 - Parkway.

"Parkway" means the area adjacent to a roadway between the private property line and the roadway, or the area between the roadways of a highway as are set apart for pedestrian travel.

(Ord. C-5398 § 1, 1978; prior code § 3410.1 (part))

10.02.110 - Passenger loading zone.

"Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Prior code § 3410.1 (part))

10.02.120 - Police Officer.

"Police Officer" means every officer of the Police Department of this City, and any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Prior code § 3410.1 (part))

10.02.125 - Preferential parking district.

"Preferential parking district" means a district formed pursuant to the provisions of Chapter 10.32 of this Title 10 for the purposes set forth in Section 10.32.010. As used in Chapter 10.32, "district" means a preferential parking district as defined in this Section.

(Ord. C-6588 § 3, 1989)

10.02.130 - Road tractor.

"Road tractor" means a motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently of any part of the weight of a vehicle or load so drawn.

(Prior code § 3410.1 (part))

10.02.140 - Scramble system automatic signal.

"Scramble system automatic signal" means that type of intersection signal control that provides a pedestrian signal interval during which time pedestrians are permitted to walk across all intersecting streets in the crosswalks, and diagonally across the intersection, and during which interval all vehicular traffic is stopped at the approaches to the intersection.

(Prior code § 3410.1 (part))

10.02.145 - Sidewalk.

"Sidewalk" is that portion of any highway or street, other than the roadway, set apart by curbs, barriers, concrete, markings or other delineation for pedestrian travel.

(Ord. C-6158 § 3, 1985)

10.02.150 - Stop.

"Stop" means complete cessation of movement.

(Prior code § 3410.1 (part))

10.02.160 - Vehicle Code.

"Vehicle Code" means the Vehicle Code of the State of California.

(Prior code § 3410.1 (part))

CHAPTER 10.04 - ADMINISTRATION

FOOTNOTE(S):

--- (2) ---

State Law reference— Provisions authorizing local authorities to regulate traffic through traffic-control devices, Veh. C. § 21100.

10.04.010 - City Traffic Engineer—Division established.

There is established in the Engineering Department of this City a Traffic Engineering Division. This Division shall be administered by the City Traffic Engineer, who shall be directly responsible to the City Engineer. The City Traffic Engineer shall exercise all the powers and duties imposed upon him by the ordinances of the City.

(ORD-09-0021, § 2, 2009; Prior code § 3410.2)

10.04.020 - City Traffic Engineer—Duties.

It shall be the general duty of the City Traffic Engineer to plan and coordinate all Traffic Engineering functions of the City; to arrange for the installation, operation and maintenance of traffic control devices, such as traffic signs, traffic signals, markings and street name signs; to review design of traffic facilities and to participate in studies involving the economics of street design and operation; to conduct engineering analyses of traffic accidents and to devise remedial measure; to conduct engineering and traffic investigations of traffic conditions; to engage in traffic research, including collection and compilation of traffic data; to cooperate with the Police Department in the establishment of traffic regulatory measures; to cooperate with the City Planning Director in planning master plan of freeways and highways; to cooperate in the promotion of traffic safety educational programs; and to carry out the additional powers and duties imposed by ordinances of the City.

(ORD-09-0021, § 3, 2009; Prior code § 3410.3)

10.04.030 - Police and Fire Department authority.

- A. It shall be the duty of the officers of the Police Department, and such officers as are assigned by the Chief of Police, to enforce all street traffic laws of this City, and all of the State vehicle laws applicable to street traffic in this City.
- B. Officers of the Police Department or such officers as are assigned to direct all traffic by voice, hand or other signal, in conformance with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, in the course of their duties at the scene of a fire, may direct or assist the Police in directing traffic.

(Prior code § 3410.4)

10.04.040 - Public Service Department authority.

It shall be the duty of the employees of the Public Service Department and such employees as are assigned by the Director of Public Service. in cooperation with the Police Department. to issue notices in accordance with the requirements of the State Vehicle Code for violations of Subsection 10.22.140.A.

(Prior code § 3410.4.1)

10.04.050 - Parking control checker authority.

- A. Employees of the City employed in the classification of parking control checker, or such other classifications as approved by the appointing authority, are authorized and shall, in accordance with the applicable provisions of the Vehicle Code, have the duty to issue notices of violation of any statute of the State or any ordinance of the City or appropriate regulations issued thereunder relating to the standing or parking of a vehicle.
- B. Parking control checkers are designated and authorized to remove or cause the removal of a vehicle from a highway or other public property in accordance with the provisions of Sections 22651 and 22669 of the Vehicle Code, when said employees have been duly designated, authorized and assigned to perform such duties by the Chief of Police.
- C. Parking control checkers are authorized to regulate and direct traffic in accordance with the provisions of Section 21100 of the Vehicle Code, when said employees have been duly assigned or appointed to perform such duties.
- D. Nothing in this Section is intended to operate either in addition to or in contravention of Title 3, Chapter 4.5, of the Penal Code which expressly designates those persons who are classified as peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the officers and employees authorized to act pursuant to this Section from public or miscellaneous officers and employees to individual peace officers or safety members or classes of peace officers or safety members for purposes of retirement, workers' compensation or similar injury or death benefits to which said officer or employee would not have been entitled as a public or miscellaneous officer or employee prior to the adoption of this Section.

(Ord. C-7930 § 1, 2004; Ord. C-6125 § 1, 1985; Ord. C-5302 § 1, 1977; prior code § 3410.4.2.)

10.04.060 - Planning and Building Department authority.

It shall be the duty of those employees of the Department of Planning and Building designated by the Director of the Department of Planning and Building, in cooperation with the Police Department, to issue notices in accordance with the requirements of the State Vehicle Code for violations of Sections 10.22.020, 10.22.080, 10.22.130, 10.22.150, 10.22.160, 10.26.030 and 10.40.010.

Those employees designated by the Director of the Department of Planning and Building are authorized and may issue notices of violations pursuant to the applicable provisions of Section 41103 and other sections of the Vehicle Code relating to the standing or parking of a vehicle. If the notice of violation cannot be attached to the vehicle or other personal property, it may be posted on the front door of the involved premises.

Nothing in this Section is intended to operate to make these employees peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the employees authorized to act pursuant to this Section from public or miscellaneous employees to individual peace officers or safety members or classes of peace officers or safety members.

(Ord. C-6288 § 3, 1986; Ord. C-6158 § 1, 1985; Ord. C-6099 § 5, 1984)

CHAPTER 10.06 - VIOLATION NOTICES

FOOTNOTE(S):

--- (3) ---

State Law reference— Provisions on arrest for traffic violations, Veh. C. § 40500 et seq.

10.06.010 - Authorized—Contents.

- A. Whenever a person is arrested for any violation of this Title and the person is not retained in custody, the arresting officer may prepare, in duplicate or triplicate, a written notice to appear in court containing the name and address of the person, the license number of his vehicle, if any, the offense charged, and the time and place when and where the person shall appear in court.
- B. The time specified in the notice to appear must be at least five (5) days after the arrest.
- C. The place specified in the notice to appear shall be either:
 - 1. Before a Municipal Court of the Long Beach Judicial District; or
 - 2. Before an officer authorized by the City to receive a deposit of bail.

(Prior code § 3450)

10.06.020 - Signing notice required.

The arrested person, in order to secure his release from custody, must give his written promise to appear in court by signing the notice, and the officer shall deliver one (1) copy of the notice to appear to the arrested person. The signed original and triplicate copy of the notice shall be retained by the officer, who shall thereupon release the person arrested from custody.

(Prior code § 3450.1)

10.06.030 - Compliance by counsel.

A written promise to appear in court may be complied with by appearance by counsel.

(Prior code § 3450.2)

10.06.040 - Failure to appear deemed separate offense.

Any person wilfully violating his written promise to appear in court shall be guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

(Prior code § 3450.3)

CHAPTER 10.08 - TRAFFIC-CONTROL DEVICES

FOOTNOTE(S):

--- (4) ---

State Law reference— Provisions authorizing local authorities to regulate traffic through traffic-control devices, Veh. C. § 21100.

10.08.010 - Installation authority.

- A. The City Traffic Engineer shall place and maintain official traffic-control devices as required by ordinance of the Council, and in accordance with Section 10.08.040
- B. Whenever the Vehicle Code requires, for the effectiveness of any provision thereof, the traffic-control devices be installed to give notice to the public of the application of such law, the City Traffic Engineer is authorized to install, or cause to be installed, the necessary devices, subject to any limitations or restrictions set forth in the law applicable thereto.
- C. The City Traffic Engineer may also place and maintain, or cause to be placed and maintained, such additional traffic-control devices as he may deem necessary to regulate traffic or to guide or warn traffic, but he shall make such determination of necessity only upon the basis of Traffic Engineering principles and traffic investigations, and in accordance with such standards, limitations and rules as may be set forth in the traffic provisions of this Chapter or applicable laws of the State.

(ORD-09-0021, § 4, 2009; Prior code § 3410.12)

10.08.020 - Required for enforcement.

No provision of the Vehicle Code, or of this Title, for which signs are required, shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Prior code § 3410.13)

10.08.030 - Obedience required.

Pedestrians and drivers of any vehicles shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the traffic ordinances of this City, unless otherwise directed by a Police Officer.

(Prior code § 3410.14)

10.08.040 - Installation.

- A. The City Traffic Engineer is authorized to install, operate and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion, or to protect life or property from exceptional hazard.
- B. The City Traffic Engineer shall ascertain and determine the locations where such traffic signals are required, by resort to field observations, traffic counts and other pertinent traffic information.
- C.

Whenever the City Traffic Engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection-street name signs visible to the principal flow of traffic, unless such street name signs have previously been placed and are maintained at any intersection.

(ORD-09-0021, § 5, 2009; Ord. C-7750 § 1, 2001; prior code § 3410.15)

10.08.050 - Lane markings.

The City Traffic Engineer is authorized to place and maintain centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles, and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway.

(ORD-09-0021, § 6, 2009; Prior code § 3410.16)

10.08.060 - Roadway markings.

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings, as described in the Vehicle Code, on those streets, or parts of streets, where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking, or signs and markings. Such marking, or signs and markings, shall have the same effect as similar markings placed by the California Department of Transportation, pursuant to provisions of the Vehicle Code.

(ORD-09-0021, § 7, 2009; Prior code § 3410.17)

10.08.070 - Removal or discontinuation permitted.

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by State law, or this Code, whenever he determines in any particular case that the conditions which warranted or required the installation no longer exist or pertain.

(ORD-09-0021, § 8, 2009; Prior code § 3410.18)

10.08.080 - Hours and days of operation.

The City Traffic Engineer shall determine the hours and days during which any traffic-control device shall be in operation or effect, except in those cases where such hours or days are specified in this Title.

(ORD-09-0021, § 9, 2009; Prior code § 3410.19)

10.08.090 - Temporary signs and barriers.

A. The Chief of Police and the City Traffic Engineer are authorized to erect and maintain, or cause to be erected and maintained, temporary traffic-control devices or barriers on any City street or alley and on City-owned property for the purpose of guiding, warning or controlling vehicular and pedestrian traffic during such times that they find it necessary for the safe and efficient movement of pedestrians and vehicles. The authority to install temporary control devices under such circumstances shall be limited to the following conditions:

1. Construction, repair and maintenance work by the City, contractors and utility organizations;
2. Movement of equipment, articles or structures of unusual size;
3. Street and alley obstructions;
4. Parades, processions and public gatherings;
5. Emergencies;

6. Temporary detours;
 7. Local special events, filming activities and other such purposes for which the appropriate permits and licenses have been issued.
- B. Said temporary traffic-control devices and barriers shall remain in place only as long as the need exists. In the case of temporary curb parking prohibitions, any vehicle parked in violation of such prohibitions may be removed, as provided in the Vehicle Code, by the Police Department, if temporary parking prohibition signs have been erected or placed at least twenty-four (24) hours prior to the removal.
- C. No closure of any street, alley or City-owned property under this Section shall be effective until appropriate signs giving adequate notice of said closure are posted at all entrances to the street, alley or City-owned property. Such signs shall be maintained at all such entrances during the entire period that the closure is in effect.

(ORD-09-0021, § 10, 2009; Ord. C-5689 § 3, 1981; prior code § 3410.20)

10.08.100 - Department signs and barriers.

No public utility or department in this City shall erect or place any barrier or sign on any street unless of a type first approved by the Manager. No person, whether driver or pedestrian, shall disobey the instructions of any barrier or sign approved, as above provided, erected or placed by a public utility or by any department in this City.

(Prior code § 3410.21)

10.08.110 - Traffic control on City-owned property.

- A. The City Traffic Engineer is authorized to erect and maintain traffic-control devices or barriers on City-owned property for the purpose of guiding, warning or controlling vehicular and pedestrian traffic. The City Traffic Engineer shall maintain a current map and file giving the location, type of traffic control, date of installation, date of removal and other pertinent data which shall be available as a source of information.
- B. No person shall drive or park a vehicle or walk on such City-owned property except in conformity with such traffic-control devices and barriers.
- C. No person shall stop or park any vehicle within any portion of the public thoroughfare between Lakewood Boulevard, La Plaza and lots 18 and 27 of tract no. 12887, as per map recorded in book 246, pages 18 and 19 of maps, in the Office of the County Recorder of the County of Los Angeles, except those portions thereof designated by official markings or lines as parking places.
- D. No driver of any vehicle, or rider of any animal, shall drive or ride said vehicle or animal upon any beach or other area devoted to recreational use, except on the driveways or paths provided therefor, nor hitch or fasten any animal, nor park any vehicle, upon any such place other than in a place provided and established therefor.
- E. No person shall drive any dray, truck, wagon, cart or other traffic vehicle carrying or regularly used or employed in carrying goods, wares, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce, or any offensive article or material whatsoever over the parks or roads or driveways therein, except when delivering any material to, or within, or removing such material from, any public park within the City, by authority or under the direction of the Director of Public Service, Director of Parks, or Director of Recreation.

(ORD-09-0021, § 11, 2009; Prior code § 3410.73)

10.08.120 - Automatic traffic-control intersections.

The City Traffic Engineer shall maintain a record of all intersections at which stop controls are installed pursuant to this Chapter. Such record shall be available for public inspection at City hall during regular business hours.

(ORD-09-0021, § 12, 2009; Ord. C-7750 § 2, 2001; Ord. C-7669 § 1, 2000; Ord. C-7640 § 1, 1999; Ord. C-7569 § 2, 1998; Ord. C-7529 § 2, 1998; Ord. C-7451 § 1, 1997; Ord. C-7447 § 1, 1997; Ord. C-7414 § 1, 1996; Ord. C-7362 § 1, 1995; Ord. C-7197 § 3, 1994; Ord. C-7088 § 1, 1993; Ord. C-7068 § 5, 1993; Ord. C-6899 § 1, 1991; Ord. C-6888 § 3, 1991; Ord. C-6756 § 1, 1990; Ord. C-6695 § 1, 1990; Ord. C-6677 § 1, 1989; Ord. C-6644 § 2, 1989; Ord. C-6564 § 1, 1989; Ord. C-6318 § 1, 1986; Ord. C-6304 § 2, 1986; Ord. C-6213 § 1, 1985; Ord. C-6198 § 1, 1985; Ord. C-6067 § 1, 1984; Ord. C-5933 § 1, 1983; Ord. C-5874 § 7, 1982; Ord. C-5844 §§ 1, 2, 1982; Ord. C-5790 § 5, 1981; Ord. C-5739 § 3, 1981; Ord. C-5711 § 3, 1981; Ord. C-5570 § 7, 1980; Ord. C-5540 §§ 2, 3, 1979; Ord. C-5517 § 4, 1979; Ord. C-5442 § 5, 1978; Ord. C-5248 § 1 (part), 1976; Ord. C-5241 § 1 (part), 1976; Ord. C-5235 § 1 (part), 1976; Ord. C-5233 § 1 (part), 1976; prior code § 3410.138)

10.08.130 - Continuation of existing traffic regulations.

Except as otherwise provided in this Chapter, and except as amended or altered from time to time under the authority of this Chapter, all traffic signs, signals, markings and controls heretofore placed in the City shall remain in full force and effect. The elimination from this Code of previously enumerated locations for signs, signals, marking or controls does not constitute the repeal of such regulations. No person shall drive or park any vehicle or device, nor walk in violation of such signs, signals, markings and controls.

(Ord. C-7750 § 3, 2001; prior code § 3410.139)

CHAPTER 10.10 - TURNING MOVEMENTS

FOOTNOTE(S):

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State Law reference— Provisions on turning movements, Veh. C. § 22100 et seq.

10.10.010 - Placement of markers.

- A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one (1) lane of traffic from which drivers of vehicles may make right or left turns.
- B. When authorized markers, buttons or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning there, no driver of a vehicle shall disobey the directions of such indicators.

(ORD-09-0021, § 13, 2009; Prior code § 3410.25)

10.10.020 - Restricted turn signs—Authorized.

The City Traffic Engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(ORD-09-0021, § 14, 2009; Prior code § 3410.26)

10.10.030 - Restricted turn signs—Obedience.

Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Prior code § 3410.27)

10.10.040 - Right turn against stop signal prohibition authorized.

No driver of any vehicle shall make a right turn against a red or stop signal at any intersection where a sign prohibiting such turn has been erected by the City Traffic Engineer, whether or not such vehicle has first stopped at the entrance to the crosswalk on the near side of such intersection or, if there is no crosswalk, at the entrance to any such intersection. The City Traffic Engineer is authorized and directed to erect an appropriate sign at any intersection controlled by an automatic signaling device where an engineering study indicates such right turn against a red or stop signal to be undesirable from a traffic congestion or hazard standpoint.

(ORD-09-0021, § 15, 2009; Prior code § 3410.28)

10.10.050 - Left turn against stop signal prohibition authorized.

No driver of any vehicle operating on a one-way street shall make a left turn against a stop signal onto a one-way street on which traffic moves to the driver's left, where a sign prohibiting such turn has been erected by the City Traffic Engineer. The City Traffic Engineer is authorized and directed to erect an appropriate sign at any intersection controlled by an automatic signaling device where an engineering study indicates a left turn to be undesirable from a traffic congestion or hazard standpoint.

(ORD-09-0021, § 16, 2009; Prior code § 3410.30)

CHAPTER 10.12 - SPEED LIMITS

10.12.010 - Speed limits increased.

- A. Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets, located within "residence" and/or "business districts" as defined by the Vehicle Code, the prima facie speed limit of twenty-five (25) miles per hour is lower than is reasonable; and that in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe, the prima facie limit of speed on said streets shall be as follows:
1. Alamitos Avenue:
 - a. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour,
 - b. Ocean Boulevard to Seventh Street, thirty (30) miles per hour;
 2. Anaheim Road:
 - a. El Parque Street to Bellflower Boulevard, thirty (30) miles per hour;
 3. Anaheim Street:
 - a. The west City limits to Oregon Avenue, thirty-five (35) miles per hour,
 - b. Oregon Avenue to Atlantic Avenue, thirty (30) miles per hour,
 - c. Atlantic Avenue to Cherry Avenue, thirty (30) miles per hour,
 - d. Cherry Avenue to Ximeno Avenue, thirty (30) miles per hour,
 - e. Ximeno Avenue to Pacific Coast Highway, thirty-five (35) miles per hour;
 4. Appian Way:
 - a. Monrovia Avenue to Bay Shore Avenue, thirty (30) miles per hour,
 - b. Bay Shore Avenue to off ramp from westbound Second Street, thirty (30) miles per hour;
 5. Artesia Boulevard:
 - a. The west City limits to Butler Avenue, forty (40) miles per hour,
 - b. Atlantic Avenue to Cherry Avenue, thirty-five (35) miles per hour,
 - c. Cherry Avenue to the east City limits, thirty-five (35) miles per hour;
 6. Atherton Street:
 - a. Ximeno Avenue to Elmfield Avenue, forty (40) miles per hour;
 7. Atlantic Avenue:
 - a. The north City limits to Artesia Boulevard, thirty-five (35) miles per hour,
 - b. Artesia Boulevard to Coolidge Street, thirty (30) miles per hour,
 - c. Harding Street to South Street, thirty (30) miles per hour,
 - d. South Street to Fifty-Second Street, thirty (30) miles per hour,
 - e. San Antonio Drive to Carson Street, thirty (30) miles per hour,
 - f. Carson Street to Wardlow Road, thirty (30) miles per hour,
 - g. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
 - h. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,

- i. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
- 8. Atlantic Drive/Coachella Avenue:
 - a. Greenleaf Road to Marker Lane, twenty-five (25) miles per hour;
- 9. Atlantic Place:
 - a. The north City limits to Atlantic Avenue, thirty (30) miles per hour;
- 10. Bellflower Boulevard:
 - a. Arbor Road to Carson Street, forty (40) miles per hour,
 - b. Pageantry Street (south intersection) to Spring Street, forty (40) miles per hour,
 - c. Spring Street to Willow Street, thirty-five (35) miles per hour,
 - d. Willow Street to Stearns Street, thirty-five (35) miles per hour,
 - e. Stearns Street to Abbeyfield Street, thirty-five (35) miles per hour;
- 11. Bixby Road:
 - a. Long Beach Boulevard to Cherry Avenue, twenty-five (25) miles per hour;
- 12. Broadway:
 - a. Alamitos Avenue to Junipero Avenue, thirty (30) miles per hour,
 - b. Junipero Avenue to Redondo Avenue, thirty (30) miles per hour,
 - c. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour,
 - d. Redondo Avenue to Nieto Avenue/Livingston Drive, twenty-five (25) miles per hour;
- 13. California Avenue:
 - a. San Antonio Drive to the City limits near Wardlow Road, twenty-five (25) miles per hour,
 - b. The City limits north of Twenty-Third Street to Pacific Coast Highway, thirty (30) miles per hour,
 - c. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
- 14. Carson Street:
 - a. Long Beach Boulevard to Atlantic Avenue, thirty (30) miles per hour,
 - b. Atlantic Avenue to Orange Avenue, thirty-five (35) miles per hour,
 - c. Orange Avenue to the east City limit east of Cherry Avenue, forty (40) miles per hour;
- 15. Cedar Avenue:
 - a. Pacific Coast Highway to Seventh Street, twenty-five (25) miles per hour;
- 16. Clark Avenue:
 - a. The north City limits to Carson Street, thirty-five (35) miles per hour,
 - b. Carson Street to Conant Street, forty (40) miles per hour,
 - c. Los Coyotes Diagonal to Pacific Coast Highway, thirty-five (35) miles per hour;
- 17. Coachella Avenue:
 - a. Atlantic Drive to Marker Street, thirty (30) miles per hour;
- 18. Conant Street:
 - a. Clark Avenue to Bellflower Boulevard, thirty (30) miles per hour,
 - b. Bellflower Boulevard to Woodruff Avenue, thirty (30) miles per hour;
- 19. Country Club Drive:
 - a. San Antonio Drive to Pacific Avenue, thirty (30) miles per hour;

20. Dairy Avenue:
 - a. South Street to Market Street, twenty-five (25) miles per hour;
21. First Street:
 - a. Alamitos Avenue to Cherry Avenue, twenty-five (25) miles per hour,
 - b. Cherry Avenue to Redondo Avenue, twenty-five (25) miles per hour;
22. Fourth Street:
 - a. Temple Avenue to Park Avenue, twenty-five (25) miles per hour;
23. Harbor Avenue:
 - a. Twentieth Street to Anaheim Street, thirty-five (35) miles per hour,
 - b. Greenleaf Boulevard to Artesia Boulevard, thirty (30) miles per hour;
24. Harding Street:
 - a. Atlantic Avenue to Cherry Avenue, thirty (30) miles per hour;
25. Livingston Drive:
 - a. Ocean Boulevard to Second Street, thirty-five (35) miles per hour;
26. Long Beach Boulevard:
 - a. The north City limits to Fifty-Sixth Street, thirty-five (35) miles per hour,
 - b. Fifty-Sixth Street to Arbor Road (south intersection), thirty-five (35) miles per hour,
 - c. Arbor Road (south intersection) to San Antonio Drive, thirty-five (35) miles per hour,
 - d. San Antonio Drive to Bixby Road, thirty-five (35) miles per hour,
 - e. Bixby Road to Wardlow Road, thirty-five (35) miles per hour,
 - f. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
 - g. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
 - h. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
27. Magnolia Avenue:
 - a. Wardlow Road to Willow Street, thirty-five (35) miles per hour,
 - b. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
 - c. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
28. Market Street:
 - a. Long Beach Boulevard to Orange Avenue, thirty (30) miles per hour,
 - b. Orange Avenue to the east City limits, thirty-five (35) miles per hour;
29. Monlaco Road:
 - a. Clark Avenue to Palo Verde Avenue, thirty (30) miles per hour;
30. Myrtle Avenue:
 - a. Artesia Boulevard to Harding Street, twenty-five (25) miles per hour;
31. Nieto Avenue:
 - a. Colorado Street to Broadway, twenty-five (25) miles per hour;
32. Ninth Street:
 - a. Santa Fe Avenue to the Long Beach Freeway ramps east of Caspian Avenue, thirty-five (35) miles per hour;
33. Obispo Avenue:

- a. Seventieth Street to Harding Street, thirty (30) miles per hour;
34. Ocean Boulevard:
- a. Alamitos Avenue to Lindero Avenue, thirty (30) miles per hour,
 - b. Lindero Avenue to Livingston Drive, thirty (30) miles per hour,
 - c. Repealed,
 - d. Livingston Drive to Bennett Avenue, thirty (30) miles per hour,
 - e. Bennett Avenue to Bay Shore Avenue, thirty (30) miles per hour,
 - f. Bay Shore Avenue to Fifty-Fifth Place, thirty (30) miles per hour,
 - g. Fifty-Fifth Place to Seventy-Second Place, twenty-five (25) miles per hour,
 - h. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour;
35. Orange Avenue:
- a. The City limits near Seventy-Second Street to Artesia Boulevard, thirty-five (35) miles per hour,
 - b. Artesia Boulevard to South Street, thirty-five (35) miles per hour,
 - c. South Street to Fifty-Second Street, thirty-five (35) miles per hour,
 - d. Forty-Fifth Way to Claiborne Drive, thirty-five (35) miles per hour,
 - e. Cartagena Street to Marron Place, thirty-five (35) miles per hour,
 - f. Bixby Road to the City limits near Wardlow Road, thirty-five (35) miles per hour,
 - g. The City limits near Hill Street to Pacific Coast Highway, thirty (30) miles per hour,
 - h. Pacific Coast Highway to Seventh Street, twenty-five (25) miles per hour;
36. Pacific Avenue:
- a. San Antonio Drive to Wardlow Road, thirty (30) miles per hour,
 - b. Thirty-Second Street to Spring Street, forty (40) miles per hour,
 - c. Spring Street to Willow Street, thirty-five (35) miles per hour,
 - d. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
 - e. Pacific Coast Highway to Seventh Street, thirty (30) miles per hour;
37. Pacific Coast Highway:
- a. A point five hundred feet (500') west of Judson Avenue to the east line of the Los Angeles River, forty (40) miles per hour,
 - b. The east line of the Los Angeles River to Alamitos Avenue, thirty-five (35) miles per hour,
 - c. All portions of the street within the City between Alamitos Avenue and Ximeno Avenue, thirty-five (35) miles per hour,
 - d. Ximeno Avenue to a point eight hundred feet (800') south of Anaheim Street, forty-five (45) miles per hour,
 - e. Eighth Street to Bellflower Boulevard, forty-five (45) miles per hour;
38. Palo Verde Avenue:
- a. The north City limits to Barbanell Street, thirty-five (35) miles per hour,
 - b. Woodruff Avenue (south intersection) to Atherton Street, thirty-five (35) miles per hour;
39. Park Avenue:
- a. Anaheim Street to Seventh Street, twenty-five (25) miles per hour,

- b. Seventh Street to Fourth Street, twenty-five (25) miles per hour,
 - c. Fourth Street to Livingston Drive, twenty-five (25) miles per hour;
40. Pine Avenue:
- a. Willow Street to Pacific Coast Highway, thirty (30) miles per hour,
 - b. Pacific Coast Highway to Tenth Street, thirty (30) miles per hour,
 - c. Tenth Street to Seventh Street, twenty-five (25) miles per hour,
 - d. Wardlow Road to Thirty-First Street, thirty (30) miles per hour;
41. Pioneer Boulevard:
- a. All portions of the street within the City and north of Two Hundred Twenty-Third Street, thirty (30) miles per hour;
42. Redondo Avenue:
- a. The City limits near Pacific Coast Highway to Anaheim Street, thirty-five (35) miles per hour,
 - b. Anaheim Street to Broadway, thirty (30) miles per hour,
 - c. Broadway to Ocean Boulevard, thirty (30) miles per hour,
 - d. Redondo Avenue to Livingston Drive, thirty (30) miles per hour;
43. Reservoir Drive West:
- a. Redondo Avenue to Pacific Coast Highway, thirty (30) miles per hour;
44. San Anselme Avenue:
- a. Wardlow Road to Spring Street, twenty-five (25) miles per hour;
45. San Antonio Drive:
- a. Pacific Avenue to Long Beach Boulevard, twenty-five (25) miles per hour,
 - b. Long Beach Boulevard to Orange Avenue, thirty-five (35) miles per hour,
 - c. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour;
46. Santa Fe Avenue:
- a. The north City limits to Willow Street, thirty-five (35) miles per hour,
 - b. Willow Street to Pacific Coast Highway, thirty-five (35) miles per hour,
 - c. Pacific Coast Highway to Ninth Street thirty-five (35) miles per hour;
47. Santiago Avenue:
- a. Pacific Coast Highway to Colorado Street, twenty-five (25) miles per hour;
48. Second Street:
- a. Alamitos Avenue to Cherry Avenue, twenty-five (25) miles per hour,
 - b. Cherry Avenue to Redondo Avenue, twenty-five (25) miles per hour,
 - c. Sorrento Drive to Naples Plaza, thirty-five (35) miles per hour;
49. Seventh Street:
- a. Alamitos Avenue to Junipero Avenue, thirty-five (35) miles per hour,
 - b. Junipero Avenue to Park Avenue, thirty-five (35) miles per hour,
 - c. Maine Avenue to Alamitos Avenue, thirty (30) miles per hour;
50. Seventieth Street:
- a. Paramount Boulevard to the City limits near Downey Avenue, thirty-five (35) miles per hour,
 - b. Atlantic Place to Orange Avenue, twenty-five (25) miles per hour;

51. Sixth Street:
 - a. Maine Avenue to Magnolia Avenue, thirty (30) miles per hour,
 - b. Magnolia Avenue to California Avenue, thirty (30) miles per hour;
52. South Street:
 - a. Dairy Avenue to Orange Avenue, thirty-five (35) miles per hour,
 - b. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour,
 - c. All portions of the street within the City between Cherry Avenue and Hayter Avenue, thirty-five (35) miles per hour;
53. Spring Street:
 - a. Magnolia Avenue to Long Beach Boulevard, thirty (30) miles per hour,
 - b. Long Beach Boulevard to the City limits near Atlantic Avenue, thirty-five (35) miles per hour,
 - c. The westerly end of the street to Santa Fe Avenue, thirty (30) miles per hour;
54. Stearns Street:
 - a. Redondo Avenue to Clark Avenue, thirty (30) miles per hour,
 - b. Clark Avenue to Marwick Avenue, thirty (30) miles per hour,
 - c. Palo Verde Avenue to Studebaker Road, thirty-five (35) miles per hour,
 - d. Studebaker Road to Stevely Avenue, thirty (30) miles per hour;
55. Tehachapi Drive:
 - a. Orange Avenue to Cherry Avenue, thirty (30) miles per hour;
56. Tenth Street:
 - a. Alamitos Avenue to Temple Avenue, thirty (30) miles per hour,
 - b. Temple Avenue to Park Avenue, thirty (30) miles per hour,
 - c. Maine Avenue to Alamitos Avenue, thirty (30) miles per hour;
57. Third Street:
 - a. Alamitos Avenue to Junipero Avenue, thirty (30) miles per hour,
 - b. Junipero Avenue to Nieto Avenue, twenty-five (25) miles per hour,
 - c. Golden Avenue to Alamitos Avenue, thirty (30) miles per hour;
58. Walnut Avenue:
 - a. Sixty-Eighth Street to Harding Street, twenty-five (25) miles per hour,
 - b. Harding Street to Market Street, twenty-five (25) miles per hour,
 - c. Carson Street to the City limits near Wardlow Road, twenty-five (25) miles per hour;
59. Wardlow Road:
 - a. The west City limits to Delta Avenue, thirty-five (35) miles per hour,
 - b. Long Beach Boulevard to Orange Avenue, thirty-five (35) miles per hour,
 - c. Orange Avenue to Cherry Avenue, thirty-five (35) miles per hour,
 - d. Clark Avenue to Palo Verde Avenue, thirty-five (35) miles per hour,
 - e. Palo Verde Avenue to the west line of the San Gabriel River, thirty-five (35) miles per hour;
60. Willow Street:
 - a. Webster Avenue to Santa Fe Avenue, thirty-five (35) miles per hour,
 - b. Santa Fe Avenue to the City limits near Atlantic Avenue, thirty-five (35) miles per hour;

61. Ximeno Avenue:
 - a. Los Coyotes Diagonal to Anaheim Street, thirty (30) miles per hour;
62. Claremore Avenue:
 - a. Ritchie Street to Wardlow Road, twenty-five (25) miles per hour;
63. Colorado Street:
 - a. Termino Avenue to Orlena Avenue, thirty (30) miles per hour;
64. Conant Street:
 - a. Woodruff Avenue to Los Coyotes Diagonal, thirty (30) miles per hour;
65. Livingston Drive:
 - a. Second Street to Broadway/Nieto Avenue, twenty-five (25) miles per hour;
66. Junipero Avenue:
 - a. Ocean Boulevard to Seventh Street, thirty (30) miles per hour;
67. Eliot Street:
 - a. Bellflower Boulevard to Marina Way, thirty (30) miles per hour;
68. Harvey Way:
 - a. Lakewood Boulevard to Bellflower Boulevard, twenty-five (25) miles per hour;
69. Termino Avenue:
 - a. Seventh Street to Anaheim Street, twenty-five (25) miles per hour,
 - b. Anaheim Street to Hathaway Avenue, twenty-five (25) miles per hour;
70. Donald Douglas Drive:
 - a. Lakewood Boulevard to seven hundred fifty feet (750') west of Lakewood Boulevard, twenty-five (25) miles per hour;
71. Roswell Avenue:
 - a. Ocean Boulevard to The Toledo, twenty-five (25) miles per hour,
 - b. Seventh Street to Third Street, twenty-five (25) miles per hour,
 - c. Third Street to Livingstone Drive, twenty-five (25) miles per hour.

(ORD-14-0017, § 1, 2014; ORD-13-0019, §§ 1, 2, 2013; ORD-08-0002 §§ 1—7, 2008; ORD-05-0028 § 3, 2005; Ord. C-7953 §§ 1, 2, 3, 4, 5, 6, 11, 2004; Ord. C-7856 §§ 1—3, 2003; Ord. C-7766 § 1, 2001; Ord. C-7654 § 1, 1999; Ord. C-7595 §§ 1, 4, 1999; Ord. C-7526 §§ 1—9, 1998; Ord. C-7465 § 1, 1997; Ord. C-7334 §§ 1—3, 1995; Ord. C-7230 §§ 1—8, 1994; Ord. C-6982 § 1, 1992; Ord. C-6821 §§ 1—6, 1990; Ord. C-6660 §§ 1, 2, 4, 1989; Ord. C-6523 § 2, 1988; Ord. C-6168 §§ 1—5, 1985; Ord. C-6090 §§ 1—4, 1984; Ord. C-5985 § 2, 1983; Ord. C-5874 §§ 1—3, 1982; Ord. C-5759 §§ 1—3, 6, 1981; Ord. C-5593 § 4, 1980; Ord. C-5448 § 1, 1978; Ord. C-5425 § 6, 1978; Ord. C-5394 § 3, 1978; Ord. C-5390 § 1, 1978; Ord. C-5365 § 2 (part), 1977; Ord. C-5352 § 2 (part), 1977; Ord. C-5303 § 2, 1977; Ord. C-5278 § 2 (part), 1977; Ord. C-5268 § 1 (part), 1976; prior code § 3410.120)

10.12.020 - Speed limits decreased.

- A. Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets, the maximum speed limit of sixty-five (65) miles per hour is more than is reasonable and safe; and that in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe the prima facie limit of speed on said portions of said streets shall be as follows:
 1. All roadways and portions of roadways within the City, except freeways and those other roadways for which prima facie speed limits are designated under the Vehicle Code, or the traffic regulations of this Code, twenty-five (25) miles per hour;

2. Roadways on City property:
 - a. All roadways in City-owned parks, recreational areas, parking lots, and all other City facilities, unless specified otherwise, twenty (20) miles per hour,
 - b. All roadways less than twenty-five feet (25') in width within the boundaries of El Dorado Park, fifteen (15) miles per hour;
3. Alamitos Avenue:
 - a. The City limits near Walnut Avenue to Pacific Coast Highway, thirty (30) miles per hour;
4. Appian Way:
 - a. Park Avenue to Monrovia Avenue, thirty (30) miles per hour,
 - b. The off ramp from westbound Second Street to The Toledo, thirty (30) miles per hour,
 - c. The Toledo to the southerly end of the street, twenty-five (25) miles per hour;
5. Artesia Boulevard:
 - a. Butler Avenue to Atlantic Avenue, forty (40) miles per hour;
6. Atherton Street:
 - a. Ximeno Avenue to Bellflower Boulevard, thirty-five (35) miles per hour,
 - b. Bellflower Boulevard to Palo Verde Avenue, forty (40) miles per hour,
 - c. Palo Verde Avenue to Studebaker Road, forty (40) miles per hour,
 - d. Studebaker Road to the easterly end of the street, forty (40) miles per hour;
7. Atlantic Avenue:
 - a. Coolidge Street to Harding Street, thirty (30) miles per hour,
 - b. Fifty-Second Street to Forty-Fifth Street, thirty-five (35) miles per hour,
 - c. Forty-Fifth Street to San Antonio Drive, thirty (30) miles per hour;
8. Bellflower Boulevard:
 - a. The north City limits to Arbor Road, forty (40) miles per hour,
 - b. Carson Street to Pageantry Street (south intersection), forty (40) miles per hour,
 - c. Abbeyfield Street to State College Drive, forty (40) miles per hour,
 - d. State University Drive to Pacific Coast Highway, forty (40) miles per hour,
 - e. Pacific Coast Highway to Loynes Drive, thirty-five (35) miles per hour;
9. Bloomfield Avenue:
 - a. All portions of the street within the City, forty (40) miles per hour;
10. Carson Street:
 - a. The City limits west of Lakewood Drive to Clark Avenue, forty (40) miles per hour,
 - b. Clark Avenue to Woodruff Avenue, forty (40) miles per hour,
 - c. Woodruff Avenue to the City limits near the San Gabriel River, forty (40) miles per hour;
11. Cherry Avenue:
 - a. Those portions of the street within the City, between the City limits near Seventieth Street and the Union Pacific Railroad overcrossing near Fifty-Third Street, forty (40) miles per hour,
 - b. Those portions of the street within the City, between Union Pacific Railroad overcrossing near Fifty-Third Street and San Antonio Drive, forty (40) miles per hour,
 - c. San Antonio Drive to Carson Street, forty (40) miles per hour,

- d. Carson Street to Wardlow Road, forty (40) miles per hour,
- e. Wardlow Road to the City limits near Spring Street, thirty-five (35) miles per hour;
- 12. Clark Avenue:
 - a. Conant Street to Spring Street, forty (40) miles per hour,
 - b. Spring Street to Los Coyotes Diagonal, forty (40) miles per hour;
- 13. Colorado Street:
 - a. Orlena Avenue to Calle Marseille, thirty (30) miles per hour;
- 14. Conant Street:
 - a. Lakewood Boulevard to Clark Avenue, thirty (30) miles per hour,
 - b. Heinemann Avenue to Lakewood Boulevard, thirty-five (35) miles per hour;
- 15. Del Amo Boulevard:
 - a. The west City limits to Atlantic Avenue, forty (40) miles per hour,
 - b. Atlantic Avenue to the east City limits, forty (40) miles per hour;
- 16. Downey Avenue:
 - a. All portions of the street within the City, thirty-five (35) miles per hour;
- 17. El Embarcadero:
 - a. A point three hundred feet (300') west of Pier D Avenue to Pico Avenue, thirty (30) miles per hour;
- 18. Golden Avenue:
 - a. Baker Street to Wardlow Road, twenty-five (25) miles per hour;
- 19. Harbor Plaza:
 - a. The south end of the Queen's Way Bridge ramps to Panorama Drive, thirty-five (35) miles per hour;
- 20. Harbor Scenic Drive:
 - a. Its junction with the Long Beach Freeway to the Ocean Boulevard overcrossing, fifty (50) miles per hour,
 - b. The Ocean Boulevard overcrossing to the Panorama Drive intersection (northbound roadway) or undercrossing (southbound roadway), fifty (50) miles per hour,
 - c. Panorama Drive to Harbor Scenic Way, thirty-five (35) miles per hour;
- 21. Henry Ford Avenue:
 - a. The north City limits to Ocean Boulevard, excluding the Bascule Bridge, thirty-five (35) miles per hour,
 - b. The Bascule Bridge itself, twenty-five (25) miles per hour;
- 22. Lakewood Boulevard:
 - a. The north City limits to Carson Street, forty (40) miles per hour,
 - b. Carson Street to a point seven hundred ten feet (710') south of Conant Street, forty-five (45) miles per hour,
 - c. A point seven hundred ten feet (710') south of Conant Street to a point five hundred sixty feet (560') north of Willow Street, forty-five (45) miles per hour,
 - d. A point five hundred sixty feet (560') north of Willow Street to the Los Alamitos Traffic Circle, forty (40) miles per hour;

23. Long Beach Freeway:
 - a. Downtown Long Beach/Port of Long Beach Junction to the Ocean Boulevard overcrossing, fifty (50) miles per hour;
24. Los Coyotes Diagonal:
 - a. The north City limits to Wardlow Road, forty (40) miles per hour,
 - b. Wardlow Road to Willow Street, forty (40) miles per hour,
 - c. Willow Street to the Los Alamitos Traffic Circle, forty (40) miles per hour;
25. Loynes Drive:
 - a. Pacific Coast Highway to Studebaker Road, thirty-five (35) miles per hour,
 - b. Bellflower Boulevard to Pacific Coast Highway, thirty-five (35) miles per hour;
26. Marina Drive:
 - a. Second Street to a point four hundred feet (400') south of Studebaker Road, thirty-five (35) miles per hour,
 - b. A point four hundred feet (400') south of Studebaker Road to the entrance-exit to Seaport Village, thirty-five (35) miles per hour;
27. Ninth Street:
 - a. The westerly end of the street to Santa Fe Avenue, thirty (30) miles per hour;
28. Norwalk Boulevard:
 - a. All portions of the street within the City, forty (40) miles per hour;
29. Obispo Avenue:
 - a. Harding Street to South Street, thirty-five (35) miles per hour,
 - b. The City limits near Hill Street to the City limits near Twentieth Street, thirty-five (35) miles per hour;
30. Ocean Boulevard:
 - a. The west City limits to the Terminal Island Freeway, forty-five (45) miles per hour,
 - b. The Terminal Island Freeway to the center of the Gerald Desmond Bridge, forty-five (45) miles per hour,
 - c. The center of the Gerald Desmond Bridge to Golden Avenue, forty-five (45) miles per hour;
31. Orange Avenue:
 - a. Fifty-Second Street to Del Amo Boulevard, thirty-five (35) miles per hour,
 - b. Del Amo Boulevard to Forty-Fifth Way, thirty-five (35) miles per hour,
 - c. Claiborne Drive to Cartagena Street, thirty-five (35) miles per hour,
 - d. Marron Place to Bixby Road, thirty-five (35) miles per hour,
 - e. The City limits near the prolongation of Thirty-First Street to the City limits near Spring Street, thirty-five (35) miles per hour;
32. Pacific Place:
 - a. The on ramp to northbound San Diego Freeway to Thirty-Second Street, forty (40) miles per hour;
33. Pacific Coast Highway:
 - a. The west City limits to a point five hundred feet (500') west of Judson Avenue, forty-five (45) miles per hour,

- b. A point eight hundred feet (800') south of Anaheim Street to Eighth Street, forty-five (45) miles per hour,
 - c. Bellflower Boulevard to Second Street, fifty (50) miles per hour,
 - d. Second Street to the east City limits, fifty (50) miles per hour;
34. Palo Verde Avenue:
- a. Barbanell Street to Woodruff Avenue, (south intersection), thirty-five (35) miles per hour,
 - b. Atherton Street to Anaheim Road, thirty-five (35) miles per hour;
35. Panorama Drive:
- a. A point two thousand six hundred feet (2,600') west of Pier A Avenue to Windham Avenue, thirty-five (35) miles per hour,
 - b. Windham Avenue to Harbor Scenic Drive, thirty-five (35) miles per hour;
36. Paramount Boulevard:
- a. The north City limits to Artesia Boulevard, thirty-five (35) miles per hour,
 - b. Artesia Boulevard to the City limits near Fifty-Fourth Street, forty (40) miles per hour;
37. Pico Avenue:
- a. Ninth Street to El Embarcadero, thirty-five (35) miles per hour;
38. Pier A Avenue:
- a. Windham Avenue to Panorama Drive, thirty-five (35) miles per hour;
39. Pier J Avenue:
- a. Panorama Drive to its intersection with the east-west roadway located one thousand seven hundred feet (1,700') north of Harbor Scenic Way, thirty-five (35) miles per hour;
40. Queen's Highway:
- a. All portions of the roadway east of Panorama Drive or the undercrossing thereof, thirty (30) miles per hour;
41. Queen's Way Bridge:
- a. Ocean Boulevard to the southerly end of the bridge, forty-five (45) miles per hour;
42. Redondo Avenue:
- a. Spring Street to the City limits near Reservoir Drive West, forty (40) miles per hour;
43. San Antonio Drive:
- a. Goldfield Avenue to Cherry Avenue, forty (40) miles per hour;
44. Second Street:
- a. Naples Plaza to Pacific Coast Highway, forty (40) miles per hour;
45. Seventh Street:
- a. Park Avenue to Santiago Avenue, forty (40) miles per hour,
 - b. Pacific Coast Highway to Margo Avenue, forty (40) miles per hour,
 - c. Margo Avenue to the east City limits, forty-five (45) miles per hour,
 - d. Santiago Avenue to Pacific Coast Highway, thirty-five (35) miles per hour;
46. Shoreline Drive:
- a. The Ocean Boulevard overcrossing to Chestnut Place, forty-five (45) miles per hour,
 - b. Chestnut Place to Alamitos Avenue, forty (40) miles per hour;

47. Sixth Street:
 - a. Park Avenue to Manila Avenue, twenty-five (25) miles per hour;
48. Spring Street:
 - a. Those portions of the street within the City between California Avenue and Junipero Avenue, thirty-five (35) miles per hour,
 - b. Junipero Avenue to Temple Avenue, forty (40) miles per hour,
 - c. Temple Avenue to Lakewood Boulevard, forty (40) miles per hour,
 - d. Lakewood Boulevard to Los Coyotes Diagonal, forty (40) miles per hour,
 - e. Los Coyotes Diagonal to Studebaker Road, forty (40) miles per hour,
 - f. Studebaker Road to the east City limits, forty-five (45) miles per hour;
49. Stearns Street:
 - a. Marwick Avenue to Palo Verde Avenue, thirty-five (35) miles per hour;
50. Studebaker Road:
 - a. Los Coyotes Diagonal to Spring Street, forty (40) miles per hour,
 - b. Spring Street to Atherton Street, forty (40) miles per hour,
 - c. Atherton Street to a point five hundred feet (500') south of Ninth Street, forty (40) miles per hour,
 - d. A point five hundred feet (500') south of Ninth Street to Westminster Avenue, forty-five (45) miles per hour;
51. Temple Avenue:
 - a. Those portions of the street within the City between Spring Street and Hathaway Avenue, forty (40) miles per hour;
52. Terminal Island Freeway:
 - a. The City limits north of the Cerritos Channel to Ocean Boulevard, forty-five (45) miles per hour;
53. Walnut Avenue:
 - a. The City limits near Thirty-Second Street to the City limits near Spring Street, thirty-five (35) miles per hour,
 - b. The City limits near Twentieth Street to Pacific Coast Highway, thirty (30) miles per hour;
54. Wardlow Road:
 - a. Delta Avenue to Golden Avenue, forty (40) miles per hour,
 - b. Golden Avenue to Long Beach Boulevard, forty (40) miles per hour,
 - c. Lakewood Boulevard to Clark Avenue, thirty-five (35) miles per hour,
 - d. The west line of the San Gabriel River to the east line of the San Gabriel River Freeway, forty-five (45) miles per hour,
 - e. The east line of the San Gabriel River Freeway to the east City limits, forty (40) miles per hour,
 - f. Cherry Avenue to the termination of the street east of Cherry Avenue, thirty (30) miles per hour;
55. Westminster Avenue:
 - a. Those portions of the street within the City between Pacific Coast Highway and the Orange County line, fifty (50) miles per hour;

56. Willow Street:
 - a. The west City limits to Webster Avenue, thirty-five (35) miles per hour,
 - b. The City limits near Temple Avenue to Lakewood Boulevard, forty (40) miles per hour,
 - c. Lakewood Boulevard to the prolongation of Albury Avenue, forty (40) miles per hour,
 - d. The prolongation of Albury Avenue to Monogram Avenue, forty (40) miles per hour,
 - e. Monogram Avenue to Studebaker Road, forty (40) miles per hour,
 - f. Studebaker Road to the east City limits, forty (40) miles per hour;
57. Windham Avenue:
 - a. Pico Avenue to a point one thousand two hundred feet (1,200') north of Van Camp Street, thirty-five (35) miles per hour,
 - b. A point one thousand two hundred feet (1,200') north of Van Camp Street to Panorama Drive, thirty-five (35) miles per hour;
58. Woodruff Avenue:
 - a. The north City limits to Los Coyotes Diagonal, forty (40) miles per hour,
 - b. Los Coyotes Diagonal to Willow Street, forty (40) miles per hour,
 - c. Willow Street to Palo Verde Avenue, both one-way roadways, thirty-five (35) miles per hour;
59. Faculty Avenue:
 - a. Conant Street to Lew Davis Street, thirty (30) miles per hour;
60. Lew Davis Street:
 - a. Faculty Avenue to Clark Avenue, thirty (30) miles per hour;
61. Victoria Street:
 - a. Long Beach Boulevard to Susanna Road, thirty-five (35) miles per hour;
62. Eliot Street:
 - a. Colorado Street to Marina Way, thirty (30) miles per hour;
63. Bixby Village Drive:
 - a. Channel Drive to Loynes Drive, thirty (30) miles per hour;
64. Hathaway Avenue:
 - a. Redondo Avenue to Termino Avenue, thirty (30) miles per hour;
65. Kilroy Airport Way:
 - a. Redondo Avenue to one thousand eight hundred feet (1,800') east of Redondo Avenue, thirty-five (35) miles per hour,
 - b. One thousand eight hundred feet (1,800') east of Redondo Avenue to Spring Street, thirty (30) miles per hour;
66. Arbor Road:
 - a. Lakewood Boulevard to Bellflower Boulevard, twenty-five (25) miles per hour;
67. Pine Avenue to Linden Avenue, twenty-five (25) miles per hour.
68. Cover Street:
 - a. The west City limit to Lakewood Boulevard, thirty (30) miles per hour;
69. Worsham Avenue:
 - a. Carson Street to Conant Street, thirty (30) miles per hour.

(ORD-13-0019 , §§ 3—6, 2013; ORD-05-0028 §§ 1, 2, 4, 2005; Ord. C-7953 §§ 7, 8, 9, 10, 2004; Ord. C-7856 §§ 4, 5, 2003; Ord. C-7654 § 2, 1999; Ord. C-7595 § 2, 1999; Ord. C-7554 § 1, 1998; Ord. C-7526 § 10, 1998; Ord. C-7334 §§ 4, 9, 1995; Ord. C-7230 §§ 9, 10, 1994; Ord. C-7068 §§ 1—3, 6, 1993; Ord. C-6821 §§ 7—11, 1990; Ord. C-6660 §§ 3, 5, 1989; Ord. C-6523 § 1, 1988; Ord. C-6435 §§ 2, 3, 1987; Ord. C-6168 § 6, 1985; Ord. C-5985 §§ 1, 3, 1983; Ord. C-5874 §§ 5, 6, 1982; Ord. C-5719 §§ 4, 5, 1981; Ord. C-5593 §§ 1, 2, 1980; Ord. C-5418 § 3, 1978; Ord. C-5384 § 1, 1978; Ord. C-5352 § 1, 1977; Ord. C-5303 § 1, 1977; Ord. C-5278 §§ 1, 2 (part), 1977; prior code § 3410.121)

10.12.030 - Speed limits decreased on narrow streets.

Upon the basis of an engineering and traffic survey of the streets concerned, the Council determines and declares that for the following streets and portions of streets the prima facie speed limit of twenty-five (25) miles per hour in a business or residential district or in a public park on a street having a roadway not exceeding twenty-five feet (25') in width is higher than is reasonable or safe and that, in order to facilitate the orderly movement of traffic in a manner which is reasonable and safe, the prima facie speed limit on such streets shall be as follows:

1. Florida Street:
 - a. Orange Avenue to Hermosa Avenue, twenty (20) miles per hour;
2. Paoli Way:
 - a. East of La Verne Avenue to Bay Shore Avenue, fifteen (15) miles per hour;
3. Zona Court:
 - a. Fifth Street to Fourth Street, twenty (20) miles per hour.

(Ord. C-7334 § 5, 1995; Ord. C-6981 § 1, 1992)

CHAPTER 10.14 - ONE-WAY STREETS AND ALLEYS

FOOTNOTE(S):

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State Law reference— Provisions on the authority of local authorities to regulate highways, Veh. C. § 21101.

10.14.010 - Establishment.

Whenever any provision of this Chapter designates a one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. The streets, portions of streets and alleys designated in Section 10.14.020 are designated for one-way traffic in the directions respectively set forth therein.

(ORD-09-0021, § 17, 2009; Prior code § 3410.37)

10.14.020 - Designated.

For the purpose of Section 10.14.010, no person shall drive or operate any vehicle on the following streets, or portions of streets, and alleys, in a direction other than designated for one-way traffic:

A. Streets and portions of streets:

1. (East) First Street, between Mitchell Avenue and Pico Avenue,
2. (West) North service road of Second Street, between the east line of Padua Drive and Sorrento Drive,
3. (West) Third Street, between Topaz Court and Alamos Avenue,
4. (East) Fifth Street, between Nebraska Avenue and Walnut Avenue,
5. (East) Sixth Street, between San Francisco Avenue and California Avenue,
6. (East) Seventh Street south, between Pico Avenue and west City limits,
7. (West) Seventh Street, between southbound De Forest Avenue and California Avenue,
8. (West) South service road of Seventh Street, between Golden Avenue and San Francisco Avenue,
9. (West) Seventh Street north, between Pico Avenue and west City limits,
10. (East) the south roadway of Ninth Street, between a point two hundred feet (200') west of Caspian Avenue and Pico Avenue,
11. (West) Tenth Street, between Ninth Street and Pico Avenue,
12. (East) Fourteenth Street north, between Long Beach Boulevard and Magnolia Avenue,
13. (West) Fourteenth Street south, between Long Beach Boulevard and Magnolia Avenue,
14. (West) Sixteenth Street, between Gundry Avenue and Walnut Avenue,
15. (Westbound) West Fifty-First Street, between a point three hundred feet (300') west of Long Beach Boulevard and Pacific Avenue,
16. (South) Alamos Avenue, between Ocean Boulevard and Seaside Boulevard,

17. (Southwest) Argonne Avenue, between Ocean Boulevard and Livingston Drive,
18. (Southwest) Bay Shore Avenue, between Ocean Boulevard and Fifty-Fourth Place,
19. (South) Belmont Avenue, between Ocean Boulevard and First Street,
20. (North) Bennett Avenue, between Ocean Boulevard and Livingston Drive,
21. (East) Broadway, between Magnolia Avenue and Alamitos Avenue,
22. (East) Campo Walk, from Ravenna Drive to Second Street,
23. (South) Cedar Avenue, south of Ocean Boulevard to the east-west alley north of Windsor Place,
24. (South) Cherry Avenue west service road, between a point four hundred feet (400') north of Wardlow Road and Carson Street,
25. (Northeast) Claremont Avenue, between Ocean Boulevard and Second Street,
26. (South) Claremont Avenue, between The Toledo and Second Street,
27. (North) Clark Avenue east service road, between the east-west alley located three hundred forty-six feet (346') north of Los Coyotes Diagonal and Eagle Street,
28. (Northeast) Corona Avenue, between Ocean Boulevard and The Toledo,
29. (Southwest) Covina Avenue, between Ocean Boulevard and The Toledo,
30. (South) Fashion Avenue, between the north line of Ninth Street and a point three hundred feet (300') north of the north line of Ninth Street,
31. (East) Florida Street, between Orange Avenue and Hermosa Avenue,
32. (Southwest) Glendora Avenue, between Ocean Boulevard and The Toledo,
33. (South) Golden Avenue, between Sixth Street and Seventh Street,
34. (Northeast) La Verne Avenue, between Ocean Boulevard and The Toledo,
35. (South) Lewis Avenue, between Anaheim Street and Eleventh Street,
36. Lido Lane, (southeast) between The Toledo and Appian Way,
37. (Southwest) Loreta Walk, between Naples Plaza and Garibaldi Lane,
38. (Counterclockwise) Los Alamitos Traffic Circle,
39. (South) Monrovia Avenue, between Appian Way and Broadway,
40. (Southwest) Nieto Avenue, between Ocean Boulevard and The Toledo,
41. (East) Ocean Boulevard south, between Termino Avenue and Bay Shore Avenue,
42. (West) Ocean Boulevard north, between Termino Avenue and Bay Shore Avenue,
43. (South) Orange Drive, between the north line of Salt Lake Street and a point approximately one hundred ninety-five feet (195') to the north,
44. Orizaba Avenue counterclockwise around Rose park,
45. (North) Pacific Avenue east, between Broadway and Third Street,
46. (South) Pacific Avenue west, between Broadway and Third Street,
47. (Southwest) Padua Drive, between Appian Way and the north frontage road of Second Street,
48. (Southwest) Park Avenue, between Ocean Boulevard and Second Street,
49. (Northeast) Pomona Avenue, between Ocean Boulevard and The Toledo,
50. (North) Prospect Avenue, between Ocean Boulevard and Livingston Drive,
51. (North) Quincy Avenue, between Livingston Drive and Shaw Street,
52. (South) Quincy Avenue, between Anaheim Street and Fourteenth Street,

53. (Southwest) Quincy Avenue, between Ocean Boulevard and Second Street,
54. (Counterclockwise) Rainbow Pier, from Seaside Boulevard and Pine Avenue to Seaside Boulevard and Linden Avenue,
55. (North) the east roadway of Redondo Avenue, between Second Street and Dodge Way,
56. (South) Roswell Avenue, between Ocean Boulevard and Livingston Drive,
57. (North) Roycroft Avenue, between Anaheim Street and Fifteenth Street,
58. (Northeast) Roycroft Avenue, between East Second Street and Livingston Drive,
59. (Northeast) Roycroft Avenue, between Ocean Boulevard and Second Street,
60. (Northeast) St. Joseph Avenue, between Ocean Boulevard and Livingston Drive,
61. (North) San Francisco Avenue, between Ocean Park Avenue and Sixth Street,
62. (South) San Francisco Avenue, between Seventh Street and Sixth Street,
63. (Southwest) Santa Ana Avenue, between Ocean Boulevard and The Toledo,
64. (Southwest) Syracuse Walk, between Naples Plaza and Via Di Roma Walk,
65. (North) The Toledo, between Second Street and Claremont Avenue,
66. (West) North frontage road of Willow Street, between the west line of Josie Avenue and a point five hundred fifty feet (550') to the west,
67. (North and east) Winnipeg Place, between Third Street and Obispo Avenue,
68. (South) Ximeno Avenue, between Ocean Boulevard and Livingston Drive,
69. (South) Zona Court, from Fifth Street to Fourth Street,
70. (North) Anaheim Place, from Fourteenth Street to Pacific Coast Highway,
71. (East) Wehrle Court, from Bennett Avenue to Ximeno Avenue,
72. (North) Kennebec Avenue, between Broadway and Third Street,
73. (South) Termino Avenue, between First Street and Livingston Drive,
74. (East) Division Street, between Bennett Avenue and Bay Shore Avenue,
75. (West) First Street, between Livingston Drive and Bay Shore Avenue,
76. (East) Sorrento Drive, between Second Street and Appian Way,
77. (South) Eliot Lane,
78. (Eastbound) Alta Way, between Lime Avenue and Marietta Court,
79. (North) Gaviota Avenue, between Fourth Street and Fifth Street,
80. (North) Savona Walk, between The Toledo and Naples Plaza,
81. Eleventh Street between the first alley east of Atlantic Avenue and Martin Luther King Jr. Avenue,
82. (South) Cerritos Avenue, between Ocean Boulevard and Third Street,
83. (South) Esperanza Avenue, between Ocean Boulevard and Third Street,
84. (North) Falcon Avenue, between Ocean Boulevard and Third Street,
85. (South) Gaviota Avenue, between Ocean Boulevard and Third Street,
86. (North) Hermosa Avenue, between Ocean Boulevard and Third Street,
87. (North) Bonito Avenue, between Ocean Boulevard and Third Street,
88. (East) The alley north of Pacific Coast Highway, between May Avenue and Walnut Avenue,
89. Mahanna Avenue between Tenth Street and Eleventh Street (northbound),
90. Earl Avenue between Hill Street and Eagle Street (southbound),

91. Locust Avenue between Hill Street and Eagle Street (northbound),
92. (East) Appleton Street, between Alamitos Avenue and Junipero Avenue,
93. Campo Walk between Campo Drive and Ravenna Drive (eastbound),
94. (East) First Street, between Alamitos Avenue and Junipero Avenue,
95. (West) Second Street, between Alamitos Avenue and Junipero Avenue,
96. (Northbound) Weston Place between Thirty-Fifth Street and Thirty-Sixth Street,
97. (Westbound) Corinthian Walk west of Ravenna Drive to The Toledo,
98. (Eastbound) Corinthian Walk east of Ravenna Drive to The Toledo,
99. (Northbound) Henderson Avenue between Cowles Street and Fifteenth Street,
100. (Northeast) Cordova Walk between Naples Plaza and Garibaldi Lane,
101. (Westbound) Vera Court between Junipero Avenue and Raymond Avenue,
102. (Westbound) Smith Place between Orange Avenue and its easterly terminus,
103. (Eastbound) Leigh Court between Orange Avenue and its easterly terminus,
104. (Northeastbound) Lucia Walk between Neapolitan Lane East and The Toledo,
105. (East) Theresa Street, between Roswell Avenue and Ximeno Avenue,
106. (Westbound) Seventeenth Street between Gaviota Avenue and Walnut Avenue,
107. (Eastbound) Fifty-Sixth Way between Langport Avenue and Paramount Boulevard,
108. (Westbound) Fifty-Sixth Street between Langport Avenue and Paramount Boulevard,
109. (Eastbound) Fifty-Fifth Way between Langport Avenue and Paramount Boulevard,
110. (Northbound) Langport Avenue between Fifty-Sixth Street and Fifty-Sixth Way,
111. (Southbound) Langport Avenue between Fifty-Sixth Street and Fifty-Fifth Way,
112. (Westbound) the Willow Street service road between Josie Avenue and a point five hundred feet (500') west of Josie Avenue,
113. (Westbound) Ninth Street between San Pablo Court and Orange Avenue,
114. (Westbound) Melrose Way between Atlantic Avenue and Linden Avenue,
115. (Eastbound) Seventeenth Street between Gaviota Avenue and Rose Avenue,
116. (Westbound) 55th Street between Linden Avenue and Long Beach Boulevard,
117. (Eastbound) Louise Street between Long Beach Boulevard and Linden Avenue.

B. Alleys:

1. (East) the alley north of Second Street between Park Avenue and Claremont Avenue,
2. (West) the alley south of East Second Street, between Quincy Avenue and Claremont Avenue,
3. (North) Alamo Court, between Ocean Boulevard and First Street,
4. (South) Alamo Court, between First Street and Seventh Street, except between Broadway and Third Street,
5. (West) Alta Way, between Pacific Avenue and Elm Avenue,
6. (South) Anaheim Place from Pacific Coast Highway to Fourteenth Street,
7. (North) the north-south alley west of Atlantic Avenue from Fifty-Sixth Street to South Street,
8. (East) the alley between Atlantic Avenue and the north-south interior alley and between Claiborne Drive and Cartagena Street,
- 9.

(South) the alley between Bellflower Boulevard and San Anselme Avenue and between Stearns Street and El Paseo Street,

10. (West) Bronze Way, between Pacific Avenue and Elm Avenue,
11. (West) Cereza Way, between Pacific Avenue and Elm Avenue,
12. (West) Cobre Way, between Pacific Avenue and Elm Avenue,
13. (West) Maple Way, between Pacific Avenue and Elm Avenue,
14. (West) Melrose Way, between Pacific Avenue and Elm Avenue,
15. (West) Roble Way, between Pacific Avenue and Elm Avenue,
16. (South) Palmer Court, between Third Street and Fourth Street,
17. (South) Solana Court, between Ocean Boulevard and Seventh Street,
18. (North) Tribune Court between First Street and Alta Way,
19. (South) Tribune Court between Broadway and Third Street and between Sixth Street and Seventh Street,
20. (East) the alley between Virginia Road and a point one hundred sixty-five feet (165') west of Long Beach Boulevard and between San Antonio Drive and Claiborne Drive,
21. (North) Waite Court, between Ocean Boulevard and Third Street,
22. (South) Waite Court, between Tenth Street and a point one hundred sixty-five feet (165') northerly,
23. (West) Alta Way, between Lime Avenue and Marietta Court,
24. Repealed,
25. Eighth Street between Cherry Avenue and Junipero Avenue (westbound),
26. Corto Place between Obispo Avenue and Broadway (westbound),
27. Repealed,
28. Repealed,
29. Repealed,
30. (Westbound) the east-west alley between Nineteenth Street and Summit Street, from Santa Fe Avenue to the north-south alley one hundred feet (100') east of Santa Fe Avenue,
31. (Southeastbound) alley parallel to and southwest of Appian Way between Monrovia Avenue and Lakeview Avenue,
32. (Eastbound) Melrose Way between Elm Avenue and Frontenac Court,
33. (North) Ancona Drive between the east-west alley immediately north of Second Street and Sorrento Drive,
34. (South) north-south alley between Pacific Avenue and Pine Avenue and between Hill Street and the east-west alley south of Hill Street,
35. (Southbound) north-south alley between Alamitos Avenue and Cerritos Avenue and between Tenth Street and Hellman Street.

(ORD-14-0007, § 1, 2014; ORD-07-0030 § 1, 2007; ORD-06-0048 § 1, 2006; ORD-06-0014 § 1, 2006; ORD-05-0029 § 1, 2005; Ord. C-7947 § 1, 2004; Ord. C-7861 § 1, 2003; Ord. C-7843 § 1, 2003; Ord. C-7696 § 1, 2000; Ord. C-7680 § 1, 2000; Ord. C-7638 § 1, 1999; Ord. C-7554 § 2, 1998; Ord. C-7396 § 2, 1996; Ord. C-7390 § 1, 1996; Ord. C-7348 § 1, 1995; Ord. C-7334 § 6, 1995; Ord. C-7259 §§ 1, 2, 1994; Ord. C-7216 § 1, 1994; Ord. C-7171 § 1, 1993; Ord. C-7141 § 1, 1993; Ord. C-7138 § 1, 1993; Ord. C-7053 § 1, 1992; Ord. C-7048 § 1, 1992; Ord. C-6939 § 1, 1991; Ord. C-6914 § 1, 1991; Ord. C-6797 §§ 3, 7, 1990; Ord. C-6754 § 1, 1990; Ord. C-6697 § 1, 1990; Ord. C-6610 § 1, 1989; Ord. C-6564 § 2, 1989; Ord. C-6562 § 1, 1989; Ord. C-6544 § 4, 1988; Ord. C-6504 § 1, 1988; Ord. C-6492 § 1, 1988; Ord. C-6485 § 2, 1988; Ord. C-6440 § 1, 1987; Ord. C-6435 § 1, 1987; Ord. C-6387 § 1, 1987; Ord. C-6374 § 1, 1987;

Ord. C-6364 § 1, 1987; Ord. C-6362 § 1, 1987; Ord. C-6354 § 1, 1987; Ord. C-6291 § 1, 1986; Ord. C-6268 § 1, 1986; Ord. C-6125 § 2, 1985; Ord. C-6043 § 1, 1984; Ord. C-5918 §§ 1, 2, 1982; Ord. C-5900 § 3, 1982; Ord. C-5886 § 1, 1982; Ord. C-5795 § 2, 1981; Ord. C-5769 § 3, 1981; Ord. C-5711 § 2, 1981; Ord. C-5674 § 2, 1981; Ord. C-5491 § 3, 1979; Ord. C-5390 § 5, 1978; Ord. C-5365 § 1 (part), 1977; Ord. C-5361 §§ 1, 2, 1977; Ord. C-5334 § 3 (part), 1977; prior code § 3410.128)

CHAPTER 10.16 - STREETS CLOSED ADJACENT TO SCHOOLS

10.16.010 - Fifty-Third Street near Jane Addams School.

Beginning at the west line of Locust Avenue as the same intersects Fifty-Third Street in the City, all Fifty-Third Street included within a distance of two hundred ninety-four feet (294') immediately west of the west line of Locust Avenue shall be closed to vehicular traffic between the hours of 8:00 a.m. and 4:30 p.m. of any day that the Jane Addams School or playground is in official use, and no person shall operate any vehicle within said closed area during such hours.

(Prior code § 3410.71 (a))

10.16.020 - Caspian Avenue near Garfield School.

Beginning at the north line of Hill Street as the same intersects Caspian Avenue in the City, all of Caspian Avenue included between the north line of Hill Street and the south line of Twenty-Third Street shall be closed to vehicular traffic between the hours of 8:00 a.m. and 5:00 p.m. of every weekday that the Garfield School or playground is in official use, and said described portion of Caspian Avenue shall be closed between the hours of 8:00 a.m. and 12:00 noon of every Saturday that the Garfield School or playground is in official use.

No operator of any vehicle shall drive his vehicle in or upon said described portion of Caspian Avenue during the hours set forth in this Section.

(Prior code § 3410.71 (b))

10.16.030 - Marron Avenue near St. Barnabas School.

Marron Avenue, between the south side of the intersection of Marshall Place and the north side of the intersection of Marron Place, shall be closed to vehicular traffic between the hours of 8:30 a.m. and 4:30 p.m., and to pedestrian traffic between the hours of 8:30 a.m. and 2:45 p.m., of any day that St. Barnabas School is in session or official use. No person shall operate any vehicle upon such portion of Marron Avenue during such hours that vehicular traffic is prohibited.

(Ord. C-7851 § 1, 2003; prior code § 3410.71 (c))

10.16.040 - Linden Avenue near St. Athanasius School.

Linden Avenue, between the south side of the intersection of Market Street and the north side of the intersection of Plymouth Street, between the hours of 7:00 a.m. and 3:30 p.m.

(Ord. C-7847 § 1, 2003)

CHAPTER 10.18 - VEHICLES RESTRICTED FROM STREETS

FOOTNOTE(S):

--- (7) ---

State Law reference— Provisions on regulation of highways by local authorities, Veh. C. § 21101.

10.18.010 - Vehicles prohibited in central traffic district.

No person shall operate any of the following vehicles in the central traffic district, except on designated truck routes, between the hours of 7:00 a.m. and 6:00 p.m. of any day; provided, that the Chief of Police may, by written permit, authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district:

- A. Any freight vehicle more than eight and one-half feet (8½') in width with load, or any freight vehicle so loaded that any part of its load extends more than twenty feet (20') to the front or rear of said vehicle;
- B. Any freight vehicle with a trailer;
- C. Any freight vehicle carrying crude oil.

(Prior code § 3410.115)

10.18.020 - Animal-drawn vehicles prohibited in central traffic district.

No person shall drive any animal-drawn vehicle into, or within, the central traffic district, between the hours of 7:00 a.m. and 6:00 p.m. of any day.

(Prior code § 3410.117)

10.18.030 - Advertising vehicles prohibited in central traffic district.

No person shall operate or drive any vehicle used for advertising purposes, or any advertising vehicle equipped with a sound amplifying or loudspeaker device, upon any street or alley, at any time, within the central traffic district.

(Prior code § 3410.119)

10.18.040 - Living in vehicles prohibited.

No person shall use or occupy any recreational vehicle, trailer coach, camper, van or other vehicle on any public street for human habitation or camping purposes.

(Ord. C-6139 § 1, 1985)

10.18.050 - Mobile billboard advertising vehicle prohibited.

- A. Purpose. The purpose of this Section is to eliminate billboard advertising in the City in order to promote the safe movement of vehicular traffic, to reduce air pollution and to improve the aesthetic appearance of the City.
- B. General requirements. It is unlawful for any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel.
- C.

Parking. It is unlawful for any person to conduct or cause to be conducted by stopping, standing or parking, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel.

- D. Definition. Mobile billboard advertising includes any vehicle or wheeled conveyance which carries, conveys, pulls or transports any sign or billboard for the primary purpose of advertising.
- E. Exemptions. This Section shall not apply to:
 - 1. Any vehicle which displays any advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements;
 - 2. Buses; or
 - 3. Taxicabs.

(ORD-09-0021, § 31, 2009)

CHAPTER 10.20 - SPECIAL STOPS

FOOTNOTE(S):

--- (8) ---

State Law reference— Provisions on special stops, Veh. C. § 22450 et seq.

10.20.010 - Designation of stop intersections.

A. Whenever any provision of this Chapter designates and describes any street, or portion thereof, as a through street, or any intersection at which vehicles are required to stop at one (1) or more entrances thereto, the Traffic Engineer shall place and maintain stop signs giving notice thereof, as follows:

A stop sign shall be erected on each and every street intersecting such through street, or portion thereof, so designated, and at those entrances of other intersections where a stop is required, provided the intersection is not controlled by an automatic signaling device. Every such sign shall conform with and shall be placed as provided in Section 21400 of the Vehicle Code.

B. Whenever any hazardous traffic conditions prevail, including, but not limited to, the hazard resulting from street construction or repair, the Traffic Engineer may designate any highway as a through highway, or any intersection as a stop intersection, for a period not to exceed sixty (60) days. Upon the erection of stop signs in accordance with the provisions of this Section all traffic shall stop before entering such through highway, and all traffic shall stop at the entrance to the stop intersections.

C. No driver or operator of any vehicle shall fail to stop such vehicle at least fifty feet (50') from the nearest side of a marked pedestrian lane whenever a signal device or sign with words "STOP—L.B.P.D." is displayed at such place, and further, no driver or operator of said vehicle shall proceed until such signal has been removed or until a signal to proceed is given. The Chief of Police and the Traffic Engineer are authorized and directed to place a line or mark upon the highway at least fifty feet (50') from any marked pedestrian lane where such signal device or sign is to be operated or given, said fifty feet (50') to be measured in the direction of approaching traffic.

(Prior code § 3410.45)

10.20.020 - Through streets declared.

Those streets, and parts of streets, described in Section 10.20.060 are declared to be through streets for the purpose of this Chapter.

(Prior code § 3410.46)

10.20.030 - Stop intersections designated.

The City Traffic Engineer is authorized to designate any intersection as a stop intersection in accordance with Subsection 10.08.010.C.

(ORD-09-0021, § 18, 2009; Ord. C-7750 § 4, 2001; prior code § 3410.47)

10.20.040 - Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving on a sidewalk or into the sidewalk area extending across any alley or driveway.

(Prior code § 3410.48)

10.20.050 - Yield intersections.

The Traffic Engineer is authorized to place and maintain "Yield Right-of-Way" signs at intersections in accordance with Section 21356 of the Vehicle Code.

(Ord. C-7750 § 5, 2001; prior code § 3410.49)

10.20.060 - Through streets enumerated.

- A. For the purpose of Section 10.20.020, the following streets, and portions of streets, are declared to be through streets:
1. Long Beach Boulevard, between the south line of Ocean Boulevard and the northerly boundary line of the City;
 2. Anaheim Street, between the westerly boundary line of the City and Pacific Coast Highway, except at its intersection with the northeast and southwest exit ramps along the Long Beach Freeway;
 3. Atlantic Avenue, between the south line of First Street and the northerly boundary line of the City;
 4. Ocean Boulevard, between the east line of the entrance channel to the harbor and the east line of Bay Shore Avenue;
 5. Livingston Drive, between the north line of Ocean Boulevard and the south line of Broadway;
 6. Second Street, between Alamitos Avenue and the easterly boundary line of the City, except at its intersection with Temple Avenue, Junipero Avenue, Cherry Avenue, Orange Avenue and Pacific Coast Highway;
 7. Pacific Avenue, between the north line of Ocean Boulevard and the south line of Thirty-Second Street, except at its intersection with Broadway; and between the north line of Wardlow Road and the north line of San Antonio Drive;
 8. Ximeno Avenue, between the north line of Ocean Boulevard and the south line of Los Coyotes Diagonal, except at its intersection with Livingston Drive and Pacific Coast Highway;
 9. Pacific Coast Highway, between the easterly boundary line of the City and the westerly boundary line of the City;
 10. Fourth Street, between the west line of Park Avenue and the east line of Golden Avenue, except at its intersection with Cedar Avenue and Magnolia Avenue;
 11. Cherry Avenue, between the north line of Ocean Boulevard and the northerly boundary line of the City;
 12. Orange Avenue, between the north line of Ocean Boulevard and the northerly boundary line of the City;
 13. Those portions of Paramount Boulevard within the City;
 14. Seventh Street, between the easterly boundary line of the City and the westerly boundary line of the City, except at its intersection with Long Beach Boulevard and Pico Avenue;
 15. Artesia Street, between the easterly boundary line of the City and the westerly boundary line of the City;
 - 16.

Pico Avenue, between Panorama Drive and the north line of Ninth Street, except at its intersection with First Street;

17. Those portions of Willow Street within the City, between the westerly boundary line of the City and the easterly boundary line of the City, except at its intersection with Lakewood Boulevard, Los Coyotes Diagonal, Palo Verde Avenue and Studebaker Road;
18. Santa Fe Avenue, from the south line of Ninth Street to the northerly City limits;
19. Seaside Boulevard:
 - a. Between westerly City boundary and east line of Pico Avenue, except at its intersection with the Terminal Island Freeway,
 - b. Between the east line of Pine Avenue and the west line of Linden Avenue;
20. Third Street, from the east line of the Los Angeles River flood control channel to the west line of Nieto Avenue, except at its intersection with Cedar Avenue, Pine Avenue, Atlantic Avenue, Alamitos Avenue, Cherry Avenue, and Long Beach Boulevard;
21. Tenth Street, between the east line of Federation Drive and the west line of Maine Avenue;
22. Those portions of San Antonio Drive within the City, between the east line of Cherry Avenue and the west line of Country Club Drive;
23. Alamitos Avenue, between the north line of Ocean Boulevard and the west line of Walnut Avenue, except at its intersection with Broadway, Third Street, Fourth Street, California Avenue, Seventh Street, Tenth Street, Anaheim Street, Seventeenth Street and Pacific Coast Highway;
24. Pine Avenue, between the south line of Ocean Boulevard and the south line of Willow Street, except at its intersection with Seventh Street, Anaheim Street, Pacific Coast Highway, Twentieth Street and Hill Street; and Pine Avenue at its intersection with Roosevelt Road;
25. Park Avenue, between the north line of Ocean Boulevard and the north line of Tenth Street, except at its intersection with Livingston Drive;
26. Magnolia Avenue, between the north line of Ocean Boulevard and the north line of Thirty-Eighth Street;
27. Dairy Avenue, from the south line of Louise Street to the north line of Fifty-Seventh Street, except at its intersection with Fifty-Sixth Street;
28. Those portions of South Street within the City, between the west line of Locust Avenue and the easterly boundary line of the City;
29. Wardlow Road, between the west City limits and a point one-half ($\frac{1}{2}$) mile east of the east line of Cherry Avenue, and between the west line of the north-south roadway located one thousand fifty feet (1,050') west of Lakewood Boulevard and the east City boundary line, except at its intersection with Lakewood Boulevard, Bellflower Boulevard, Los Coyotes Diagonal and Studebaker Road;
30. Market Street, from the west line of Cherry Avenue to the west line of Pacific Avenue, except at its intersection with Long Beach Boulevard, Atlantic Avenue, Orange Avenue and Walnut Avenue;
31. Redondo Avenue, from the north line of Ocean Boulevard to the south line of Spring Street;
32. Temple Avenue, from the north line of Ocean Boulevard to the northerly City limits;
33. Carson Street, from the east line of Cherry Avenue to Long Beach Boulevard;
34. Broadway, from Water Street to Bay Shore Drive, except at its intersection with Pico Avenue;
- 35.

Henry Ford Avenue, from the north line of Seaside Boulevard to the northerly boundary line of the City;

36. Dock Street, from the west City limits to Henry Ford Avenue;
37. Spring Street, between the easterly and westerly boundary lines of the City, except at its intersection with Atlantic Avenue, Redondo Avenue and Clark Avenue;
38. Harding Street, between the east line of Cherry Avenue and the west line of DeForest Avenue;
39. Ravenna Drive, between the north line of The Toledo and the north line of Second Street;
40. Those portions of Bellflower Boulevard within the City, between the northerly boundary line of the City and the southerly boundary line of the City;
41. Burnett Street, Between Webster Avenue and Gale Avenue, except at its intersection with Santa Fe Avenue and Easy Avenue;
42. Bixby Road, between the east line of Country Club Drive and the east line of the west service road of Cherry Avenue;
43. Appian Way, between Park Avenue and the southerly terminus of Appian Way near Lido Lane;
44. Those portions of Los Coyotes Diagonal within the City, between Los Alamitos Circle and Carson Street;
45. Twentieth Street, between the west line of San Francisco Avenue and the west line of Orange Avenue;
46. Hill Street, between the east line of the Los Angeles River flood control channel and the west line of Orange Avenue;
47. Roosevelt Road, between the east line of Cerritos Avenue and the east line of Long Beach Boulevard, except at its intersection with California Avenue and Atlantic Avenue;
48. Fifty-Second Street, between the west line of Atlantic Avenue and the westerly City limits, and between the east line of Orange Avenue and the west line of Walnut Avenue;
49. Junipero Avenue, between the north line of Ocean Boulevard and the south line of Pacific Coast Highway, except at its intersection with Broadway, Fourth Street, Seventh Street and Anaheim Street;
50. Martin Luther King, Jr. Avenue, between the north line of Seventh Street and the southerly boundary line of the City of Signal Hill, except at its intersection with Tenth Street; California Avenue, at its intersection with Thirty-Sixth Street and Thirty-Seventh Street; California Avenue, between the north line of Bixby Road and the north line of Forty-Fifth Way, except at its intersection with Carson Street, San Antonio Drive and Marcellus Street;
51. Thirty-Fourth Street, between Santa Fe Avenue and the east line of Gale Avenue;
52. Those portions of Del Amo Boulevard within the City, between the east boundary line and the west boundary line of the City, except at its intersection with Long Beach Boulevard, Atlantic Avenue, Orange Avenue, Cherry Avenue and Lakewood Boulevard;
53. Locust Avenue, between the north line of Ocean Boulevard and the north line of Twelfth Street, except at its intersection with Broadway, Third Street, Fourth Street and Seventh Street; and Locust Avenue, between the south line of Fourteenth Street south and the north line of Sixteenth Street;
54. Granada Avenue, between the north line of Ocean Boulevard and the southwest line of The Toledo, except at its intersection with Second Street;
- 55.

Stearns Street, between the east line of Redondo Avenue and the west line of Stevely Avenue, except at its intersection with Lakewood Boulevard, Los Coyotes Diagonal and Bellflower Boulevard;

56. Atherton Street, between the outer traffic circle of the Los Alamitos Circle, and the east boundary line of the City, except at its intersection with Ximeno Avenue and Bellflower Boulevard;
57. Walnut Avenue, from the north line of Third Street to the south line of Carson Street, and from the south line of Fifty-Second Street to the south line of Sixty-Eighth Street, except at its intersection with Fourth Street, Seventh Street, Tenth Street, Anaheim Street, Pacific Coast Highway, Wardlow Road, Bixby Road, west side of Fifty-Second Street, Market Street, South Street, Harding Street and Artesia Street;
58. Termino Avenue, between the north line of Livingston Drive and the south line of Pacific Coast Highway, except at its intersection with Second Street, Broadway, Third Street, Fourth Street, Seventh Street, Tenth Street and Anaheim Street;
59. Mira Mar Avenue, between the north line of Livingston Drive and the south line of Third Street, except at its intersection with First Street, Second Street and Broadway;
60. Nieto Avenue, between the north line of Ocean Boulevard and the south line of Second Street, and between the south line of Broadway and the south line of Colorado Street;
61. Colorado Street, between the east line of Temple Avenue and the east line of the City, except at its intersection with Redondo Avenue, Termino Avenue, Ximeno Avenue and Appian Way;
62. Fanwood Avenue, between the north line of Atherton Street and the south line of Marita Street, and at its intersection with the north service road of Stearns Street;
63. Hill Street, between the west line of Merrimac Avenue and the west line of the flood control channel, except at its intersection with Santa Fe Avenue and Easy Avenue;
64. Delta Avenue, between the north line of Wardlow Road and the south line of Two Hundred Twenty-Third Street;
65. Easy Avenue, between the south line of Wardlow Road and the south line of Twentieth Street, except at its intersection with Spring Street and Willow Street;
66. Harbor Avenue, between the north line of Twentieth Street and the north line of Ninth Street, except at its intersection with Pacific Coast Highway and Anaheim Street;
67. Panorama Drive, between Pierpoint Traffic Circle and Harbor Scenic Drive;
68. Willard Street, between the west line of Santa Fe Avenue and the east line of San Gabriel Avenue;
69. Twentieth Street, between the east line of Gale Avenue and the east line of San Gabriel Avenue, except at its intersection with Santa Fe Avenue;
70. Nineteenth Street, between the west line of Santa Fe Avenue and the east line of San Gabriel Avenue;
71. San Gabriel Avenue, between the north line of Pacific Coast Highway and the north line of Willard Street;
72. Merrimac Avenue, between the north line of Willard Street and the south line of Hill Street;
73. Those portions of Clark Avenue within the City, between Pacific Coast Highway and the northerly boundary line of the City, except Los Coyotes Diagonal and Carson Street;
74. Harvey Way, between Lakewood Boulevard and Bellflower Boulevard, except Clark Avenue;
75. Norse Way, between Carson Street and Lakewood Boulevard;

76. Those portions of Palo Verde Avenue within the City, between the northerly and southerly boundary lines of the City, except Spring Street;
77. Village Road, between Charlemagne Avenue and Viking Way, and at its intersection with Pepperwood Avenue and Greenmeadow Road;
78. Studebaker Road, between the southeast line of Los Coyotes Diagonal and the north line of Seventh Street, except at its intersection with Spring Street;
79. Chestnut Avenue, between Fifty-Fifth Street and DeForest Avenue, except at its intersection with Fifty-Sixth Street;
80. Anaheim Road, between the east line of Clark Avenue and the west line of Bellflower Boulevard; and between the west line of Palo Verde Avenue and the easterly boundary line of the City, except at its intersection with Studebaker Road;
81. First Street, between Pacific Avenue and Alamitos Avenue, except at its intersection with Pine Avenue, Locust Avenue, Long Beach Boulevard and Atlantic Avenue; and First Street, between the east line of Livingston Drive and the west line of Bay Shore Avenue, except at its intersection with Bennett Avenue, Ximeno Avenue, Roycroft Avenue, Park Avenue, Granada Avenue, Nieto Avenue, La Verne Avenue, Glendora Avenue, Santa Ana Avenue and Claremont Avenue;
82. Hayes Avenue, between Anaheim Street and Pacific Coast Highway;
83. Those portions of Woodruff Avenue within the City, between the south line of Carson Street and the east line of Palo Verde Avenue, except where such portions intersect Los Coyotes Diagonal, Spring Street and Willow Street;
84. Downey Avenue, between the north line of South Street and the north line of Seventieth Street, except at its intersection with Artesia Street;
85. Those portions of Obispo Avenue within the City, between Hill Street and Broadway, except at its intersection with Pacific Coast Highway, Anaheim Street, Tenth Street, Seventh Street, Fourth Street and Third Street;
86. Bay Shore Avenue, between the north line of Ocean Boulevard and the southwest line of Appian Way, except at its intersection with Second Street;
87. Claremont Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
88. Santa Ana Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
89. Glendora Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
90. La Verne Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
91. Roycroft Avenue, between the north line of Ocean Boulevard and the south line of Second Street;
92. Bennett Avenue, between the north line of Ocean Boulevard and the south line of Livingston Drive;
93. Division Street, between Livingston Drive and Bay Shore Avenue, except at its intersection with Ximeno Avenue, Roycroft Avenue, Park Avenue, Granada Avenue, Nieto Avenue, La Verne Avenue, Glendora Avenue, Santa Ana Avenue and Claremont Avenue;
- 94.

Conant Street, between the east line of Lakewood Boulevard and the west line of Los Coyotes Diagonal, except at its intersection with Woodruff Avenue;

95. Monlaco Road, between the east line of Clark Avenue and Palo Verde Avenue, except at its intersection with Woodruff Avenue;
96. Los Coyotes Diagonal, between Woodruff Avenue and Palo Verde Avenue, except at its intersection with Wardlow Road;
97. Oregon Avenue, between Anaheim Street and Pacific Coast Highway;
98. Forty-Fifth Street, between the east line of Long Beach Boulevard and the west line of California Avenue, except at its intersection with Atlantic Avenue;
99. Those portions of Marina Drive within the City;
100. Burnett Street, between the west line of San Francisco Avenue and the west line of Olive Avenue, except at its intersection with Magnolia Avenue, Pacific Avenue, Pine Avenue, Long Beach Boulevard and Atlantic Avenue;
101. Windham Avenue, between Harbor Scenic Drive and Panorama Drive;
102. Harbor Scenic Drive, between Pico Avenue and Dike Road;
103. Tenth Street, between the north line of Ninth Street and the west line of Pico Avenue;
104. Ninth Street, between the east line of Santa Fe Avenue and the west line of Pico Avenue;
105. Fashion Avenue, between the south line of Eleventh Street and the north line of Ninth Street, except at its intersection with Tenth Street;
106. Vista Street, between Obispo Avenue and Nieto Avenue, except at its intersection with Redondo Avenue, Mira Mar Avenue, Termino Avenue, Ximeno Avenue and Park Avenue;
107. The southwest frontage road of Appian Way, between the north line of Cordova Walk and the south line of Lido Lane, except at its intersection with The Toledo;
108. Naples Plaza, between Second Street and the south line of The Toledo;
109. North service road of Second Street, between Padua Drive and Sorrento Drive, except at its intersection with San Marco Drive, Ravenna Drive, Ancona Drive, Campo Drive and Venetia Drive;
110. The Toledo, between Livingston Drive and Appian Way, except at its intersection with Second Street, Ravenna Drive and Naples Plaza;
111. The west frontage roads of the Long Beach Freeway, between Gordon Street and Butler Avenue and between Sixty-Eighth Way and Atlantic Drive;
112. Sixty-Eighth Way, between Butler Avenue and the west frontage road of the Long Beach Freeway;
113. Butler Avenue, between Sixty-Eighth Way and the east line of the west frontage road of the Long Beach Freeway at the southerly terminus of Butler Avenue, except the south approach of the frontage road;
114. Seventieth Street, between Downey Avenue and Paramount Boulevard;
115. Loma Avenue, between the south line of Pacific Coast Highway and the north line of Anaheim Street; and at Eleventh Street, Eighth Street, Sixth Street, Fifth Street and Vermont Street;
116. Harbor Avenue, between the north line of Artesia Street and the south line of Greenleaf Drive;
117. Obispo Avenue, between South Street and Seventieth Street;
- 118.

Muriel Avenue, between Adams Street and the northerly City limits, except at the intersections of Neece Street and Artesia Boulevard;

119. Twenty-Third Street, between Los Coyotes Diagonal and Ocana Avenue, except at its intersection with Bellflower Boulevard;
120. Sixth Street, between Park Avenue and Manila Avenue, except at its intersection with Santiago Avenue;
121. Bloomfield Avenue, between the southerly and northerly boundaries of the City;
122. First Street, between Alamitos Avenue and Livingston Drive, except at its intersection with Orange Avenue, Cherry Avenue, Junipero Avenue, Temple Avenue, Redondo Avenue and Termino Avenue;
123. The north frontage road of Seventh Street, between the east line of Studebaker Road and the easterly City boundary;
124. Atlantic Way, between Atlantic Avenue and the northerly boundary line of the City;
125. Pacific Way, between Thirty-Second Street and Wardlow Road;
126. Vista Street, between the west line of Monrovia Avenue and Bay Shore Avenue;
127. Thirty-Seventh Street, between Long Beach Boulevard and Cherry Avenue, except at its intersection with Atlantic Avenue, California Avenue, Orange Avenue and Walnut Avenue;
128. Appleton Street, between Alamitos Avenue and Junipero Avenue, except at its intersection with Orange Avenue and Cherry Avenue;
129. Fourteenth Street, between Walnut Avenue and Temple Avenue, except at its intersection with Rose Avenue, Cherry Avenue and Junipero Avenue;
130. Loynes Drive, between Pacific Coast Highway and Studebaker Road;
131. Twenty-Seventh Street, between Long Beach Boulevard and Atlantic Avenue;
132. Tehachapi Drive, between Orange Avenue and Cherry Avenue;
133. Golden Avenue, between Willow Street and Spring Street, except at its intersection with Twenty-Eighth Street;
134. Coachella Avenue-Atlantic Drive, between Marker Street and Greenleaf Boulevard;
135. Thirty-Sixth Street, between Atlantic Avenue and Cherry Avenue, except at its intersection with California Avenue, Orange Avenue and Walnut Avenue;
136. Mezzanine Way, between Bellflower Boulevard and San Anseline Avenue;
137. New York Street, between the east line of Atlantic Avenue and the west line of Alamitos Avenue, except at its intersection with California Avenue;
138. Nineteenth Street, between Atlantic Avenue and California Avenue;
139. Country Club Drive, between San Antonio Drive and Pacific Avenue;
140. Del Mar Avenue, between Spring Street and Pacific Avenue;
141. Linden Avenue, between South Street and Harding Street;
142. Fifteenth Street, between Cherry Avenue and Junipero Avenue;
143. Thirty-Sixth Street, between Pacific Avenue and Long Beach Boulevard.

(Ord. C-7397 § 1, 1996; Ord. C-5537 § 2, 1979; Ord. C-5268 § 1 (part), 1976; Ord. C-5247 § 2 (part), 1976; prior code § 3410.126)

CHAPTER 10.22 - PARKING—REGULATIONS

FOOTNOTE(S):

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State Law reference— Provisions on stopping and parking, Veh. C. § 22500 et seq.

10.22.010 - Applicability.

- A. The provisions of this Code prohibiting the stopping, standing or parking of a vehicle shall apply at all times, or at those times specified in this Chapter and Chapter 10.24, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a Police Officer or official traffic-control device.
- B. The provisions of this Code imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the California Vehicle Code or the Code of this City, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.
- C. In the event a vehicle is stopped, parked or left standing in violation of any of the provisions of this Code or the California Vehicle Code, any officer of the Police Department may remove the vehicle from the street in the manner and subject to the requirements set forth in this Code and the California Vehicle Code.

(Prior code § 3410.85)

10.22.020 - Parkways and sidewalks.

No person shall stop, stand or park a vehicle within any parkway or sidewalk.

(Ord. C-6158 § 2, 1985; prior code § 3410.86)

10.22.025 - Parking in front of private driveways.

- A. Notwithstanding any other provisions of this Code or of the California Vehicle Code § 22500(e), and pursuant to California Vehicle Code § 22507.2, the owner or lessee of property in the parking impacted area, as that term is defined below, may park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit (the "driveway parking permit") issued pursuant to this Section, provided that no such permit may be issued or continue in effect pursuant to this Chapter to permit parking in any private driveway or any street or side of any street where parking is otherwise restricted by time, days or as to specified hours.
- B. Driveway parking permits shall be subject to the following conditions:
 - 1. The driveway for which the driveway parking permit is sought must be designated for the exclusive use of one (1) household.
 - 2. The driveway for which the driveway parking permit is sought must be at least eight feet (8') in width.
 - 3. Issuance of a driveway parking permit does not guarantee a parking space if there is insufficient space between other legally parked vehicles.
 - 4.

Driveway parking permits are address and location specific. They may be transferred between vehicles registered to the same address.

5. Driveway parking permits shall be issued by the department of public works, office of the City Traffic Engineer on a calendar year basis, and each such permit shall expire at midnight (12:00 a.m.), December 31st next following its issuance. The fee charged for driveway parking permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the current calendar year for which the permit would be valid. Fees paid for permits which are revoked by the City Traffic Engineer may not be refunded. Permits may be renewed annually by mail.
6. A driveway parking permit will not be issued for driveways located within twenty-five feet (25') of a corner or within fifteen feet (15') of a fire hydrant.
7. A driveway parking permit will not be issued where parking in front of such driveway would pose a safety hazard, in the opinion of the City Traffic Engineer.
8. A driveway parking permit may be revoked at any time by the City Traffic Engineer.
- C. Parking in front of private driveways may be permitted only in the parking impacted area, as that term is defined in Resolution No. C-24607, adopted by the Long Beach City Council on December 13, 1988, as it may be amended from time to time, on file in the office of the Director of Development Services.
- D. Applications for driveway parking permits shall be reviewed and if appropriate, approved by the City Traffic Engineer. An application for driveway parking permits shall require, at a minimum, the following information:
 1. Name of the applicant for the driveway parking permit;
 2. Address of the property where the driveway is located;
 3. A certification that the applicant's household is the exclusive user of the driveway;
 4. Name and endorsement of the property owner or the owner's duly authorized property manager;
 5. Identification of household vehicles, including license number, make and year of each vehicle registered at that address or to the household;
 6. Identification of off-street parking spaces available on the property;
 7. A certification stating the reason existing off-street parking at the property is insufficient to meet the applicant's parking needs;
 8. Such additional information as the City Traffic Engineer may require; and
 9. The statement that misuse of a permit issued under this Section is grounds for revocation of the permit by the City Traffic Engineer.
- E. Every applicant for a driveway parking permit pursuant to this Section shall be required to pay a nonrefundable fee to cover the cost of receiving, processing and acting upon the application in an amount established by resolution of the City Council, which may be amended from time to time.
- F. Driveway parking permits shall be displayed so as to be readily visible from the rearview mirror or by such other method as directed in instructions contained in the permit itself.
- G. The City Traffic Engineer may, from time to time, promulgate rules and regulations, consistent with the purposes and provisions of this Section 10.22.025, to facilitate implementation of the section.
- H. Nothing in this Section shall be construed to authorize parking on a sidewalk in violation of the California Vehicle Code § 22500(f).

(ORD-10-0002, § 1, 2010; Ord. C-6506 § 1, 1988)

10.22.030 - Storing vehicles on-streets prohibited.

- A. No person, who owns or has possession, custody or control of any vehicle, shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two (72) hours.
- B. In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any officer of the Police Department may remove the vehicle from the street in the manner and subject to the requirements set forth in the California Vehicle Code.

(Prior code § 3410.87)

10.22.040 - Parking on one-way streets.

Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches (18") of the left curb facing in the direction of traffic movement upon any one-way street, unless signs are in place prohibiting such stopping or standing.

(Prior code § 3410.88)

10.22.050 - Parking space precedence.

- A. Any person intending to park his vehicle in a limited curb parking space, whose vehicle arrives at the parking space prior to any other vehicle, and the rear end of whose vehicle proceeds beyond the space a distance not to exceed ten feet (10') for the purpose of backing his vehicle therein, shall have the right-of-way over any person driving, or attempting to drive, any other vehicle directly into such limited curb parking space, or who in any manner obstructs the limited curb parking space, and the driver of the other vehicle shall yield the right-of-way to the driver who first arrived at the parking space.
- B. For the purpose of this Section, a "limited curb parking space" means an area open for lawful parking adjacent to a curb, which area is not of sufficient length to permit two (2) or more vehicles to freely move for parking therein at the same time.

(Prior code § 3410.89)

10.22.060 - Places parking is prohibited.

- A. No operator of a vehicle shall stop, park or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or at the direction of Police Officer or a traffic sign or signal:
 - 1. In any marked taxicab stand, except taxicabs;
 - 2. Upon or across any car tracks so as to delay street or railway cars;
 - 3. In front of the entrances of any undertaking establishment, except for funeral vehicles;
 - 4. At any place within twenty feet (20') of a point on the curb immediately opposite the midblock end of a safety zone; provided, however, that in the parking impacted area as defined in Resolution No. 24607, adopted December 13, 1988, as it may be amended from time to time, or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances;
 - 5. At any place within twenty feet (20') of a marked crosswalk, except that a bus may stop at a designated bus stop; provided, however, that in the parking impacted area or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances;
 - 6. At any place where the City Traffic Engineer determines that it is necessary in order to eliminate dangerous traffic hazards;
 - 7. Upon any street so as to obstruct the free use thereof;

8. At the curb in front of any hospital;
9. Within four feet (4') of the prolongation of the nearest edge of a driveway; provided, however, that in the parking impacted area, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances adjacent to driveways if doing so would increase on-street parking availability or access;
10. At any place within fifteen feet (15') of a fire hydrant; provided, however, that in the parking impacted area, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances adjacent to fire hydrants with the concurrence of the Fire Marshall;
11. At any place within twenty feet (20') of the approach to an intersection or ten feet (10') of the departure to an intersection, in order to allow for visibility of traffic control devices and to maintain visibility of cross traffic; provided, however; that in the parking impacted area, opposite the termination of a street at a "T" intersection or on one-way streets, the City Traffic Engineer in his discretion may reduce the length of "no parking" distances.

B. The City Traffic Engineer shall appropriately sign or mark the places enumerated in this Section.

(ORD-09-0021, § 19, 2009; Prior code § 3410.91)

10.22.070 - Blocking wheels on hill.

No person shall park, or leave standing, any vehicle unattended on a highway when upon any grade exceeding three percent (3%) within any business or residential district without blocking the wheels of the vehicle by turning them against the curb, or by other means.

(Prior code § 3410.94)

10.22.080 - Parking vehicles for sale.

No person shall park a vehicle with a sign or other writing indicating that the vehicle is for sale at any of the following through highways or service roads which connects directly with such through highway in the City:

- A. Spring Street service road between Palo Verde Avenue and Studebaker Road;
- B. Willow Street service road at Palo Verde Avenue;
- C. Second Street service road between The Toledo and Naples Plaza;
- D. Long Beach Boulevard between Ocean Boulevard and Anaheim Street;
- E. Bellflower Boulevard between Colorado Street and Stearns Avenue, and between Twenty-Seventh and Twenty-Ninth Streets;
- F. Studebaker Road between Atherton Street and Wardlow Road;
- G. Spring Street between Atlantic Avenue and Studebaker Road;
- H. Willow Street between Woodruff Avenue and Studebaker Road;
- I. Seventh Street between Alamitos Avenue and Redondo Avenue;
- J. Redondo Avenue between Ocean Boulevard and Anaheim Street;
- K. Atlantic Avenue between Ocean Boulevard and Tenth Street;
- L. Atlantic Avenue between Wardlow Road and Market Street;
- M. Ocean Boulevard between Junipero Avenue and Fifty-Fourth Place;
- N. Broadway Street between Junipero Avenue and Redondo Avenue;
- O. Magnolia Avenue between Ocean Boulevard and Anaheim Street;

- P. Pacific Avenue between Ocean Boulevard and Seventh Street;
- Q. Ximeno Avenue between Ocean Boulevard and Tenth Street;
- R. Cherry Avenue between Ocean Boulevard and Tenth Street;
- S. Obispo Avenue between Seventh Street and Anaheim Street;
- T. Anaheim Street between Termino Avenue and the I-710;
- U. Spring Street between Knoxville Avenue and Studebaker Road;
- V. San Antonio Drive between Orange Avenue and Atlantic Avenue;
- W. Cherry Avenue between Market Street and Artesia Boulevard;
- X. Cedar Avenue between Twelfth Street and Fourteenth Street;
- Y. Alamos Avenue between Ocean Boulevard and Seventh Street;
- Z. Los Coyotes Diagonal between Woodruff and Gondar Avenue and on Woodruff Avenue between Los Coyotes Diagonal and Senasac Avenue;
- AA. Seventh Street between Redondo Avenue and Park Avenue, Second Street between Livingston Drive and Ximeno Avenue, Bellflower Boulevard between Conant Street and Spring Street, including the service roads parallel thereto, and Del Amo Boulevard between Clark Avenue and Woodruff Avenue;
- BB. Bayshore Avenue between Appian Way and Second Street, on Second Street between Bayshore Avenue and Naples Plaza and on Colorado Street between Nieto Avenue and Bellflower Boulevard;
- CC. East side of Downey Avenue in the 5800, 5900 and 6000 blocks and the east side of Atlantic Avenue between Sixty-Eighth Street and Seventieth Street;
- DD. Livingston Drive between Quincy Avenue and Prospect Avenue;
- EE. Lois Lane between Bennett Avenue and Quincy Avenue;
- FF. Second Street from Sorrento Drive to Naples Plaza;
- GG. Naples Plaza from Second Street to The Toledo;
- HH. 25th Way between De Forest Avenue and Golden Avenue; 26th Way between De Forest Avenue and Golden Avenue; and Golden Avenue between 27th Street and 25th;
- II. Both sides of Artesia Boulevard between Atlantic Avenue and Orange Avenue; between Orange Avenue and Cherry Avenue; and between Cherry Avenue and Paramount Boulevard.

The terms "park" and "through highway", as used in this Section, have the respective meanings set forth in Sections 463 and 600 of the California Vehicle Code.

(ORD-10-0010, § 1, 2010; ORD-10-0009, § 1, 2010; ORD-07-0060 § 1, 2007; ORD-07-0035 § 1, 2007; ORD-07-0008 § 1, 2007; ORD-06-0060 § 1, 2006; ORD-06-0007 § 1, 2006; Ord. C-7936 § 1, 2004; Ord. C-7921 § 1, 2004; Ord. C-7915 § 1, 2004; Ord. C-7857 §§ 1, 2, 2003; Ord. C-7800 § 1, 2002; Ord. C-5592 § 1, 1980; prior code § 3410.95)

10.22.090 - Mobile vendor parking prohibited area.

No driver or operator of any mobile vending vehicle shall stop, stand or park, for the purpose of offering any food or goods for sale, in any public street or place within the parking impacted area.

(ORD-09-0021, § 20, 2009; Prior code § 3410.96)

10.22.100 - Parking adjacent to commercial gutters or depressed curbs.

No operator shall stop, park or leave standing any vehicle at any time and at any point in a roadway adjacent to a commercial gutter or depressed curb where such commercial gutter or depressed curb has been installed for the purpose of providing access between the roadway and property immediately

adjacent to the street right-of-way, which area is used for the parking, loading, unloading or the maneuvering of vehicles.

(Prior code § 3410.97)

10.22.110 - Fire lanes.

No person shall park a vehicle in any fire lane designated by signs or markings or park or place any object, obstruction or vehicle in any establishment exitway, driveway, or alleyway between buildings that would hamper the ingress of fire equipment in case of fire in or about any church, assembly hall, lodge hall, school, hotel, apartment building, theater, motion picture theater, stadium, tent or other public assemblage. When a vehicle is parked in such designated fire lane or when, in the opinion of the Fire Chief, any driveway, gateway or alleyway between buildings is obstructed by objects, materials or vehicles, the same shall be immediately removed upon order of the Fire Chief, and when such obstruction is a vehicle, it may be impounded or removed as provided by law.

(Ord. C-5436 § 2, 1978; Ord. C-5398 § 15, 1978; prior code § 3410.104)

10.22.120 - Temporary parking restrictions.

- A. Any other limitation on, or regulation concerning, parking contained in this Title to the contrary notwithstanding, no operator of any vehicle shall park or stand the same on any portion of any street, during the period commencing with the time indicated on signs containing the words "NO PARKING" which signs have been placed on such portion pursuant to the provisions of this Section, and ending with the authorized removal of such signs. The Chief of Police and Traffic Engineer, or their designees, are authorized and directed to place and erect temporarily, or cause to be so placed and erected, such signs on any such portion of any street when, and for so long as, the use of such portion is necessary for repair, construction, the installation of underground utilities, or where the use of the street, or any portion thereof, has lawfully been authorized for a purpose other than the normal flow of traffic, or for the movement of equipment, articles or structures of unusual size. Such signs shall not be placed, however, unless the parking of a vehicle on such portion would prohibit or interfere with such use or movement. Any vehicle parking in violation of this Section may be removed, as provided in Subsection 10.22.010.C, if such signs have been erected or placed at such portion of such street at least twenty-four (24) hours prior to such removal.
- B. Such signs shall be posted at the beginning and end of such portion of such street where parking is to be restricted and every forty feet (40') therein. Such signs shall contain, at a minimum, the following information: The date(s) and time(s) parking will be restricted in the area, the City department authorizing the parking restrictions, the name and phone number of the individual to contact with questions or concerns, the internet address, if applicable, of the City department or company performing the work or using the portion of the street where parking is restricted, and a description of the project or other use for which parking is restricted. Such signs shall be affixed to sign poles, saw horses, traffic control barrels, telephone poles, or light poles using tape, twine or rope. Such signs shall not be affixed to any of the foregoing objects with nails and shall not be affixed to trees. Such signs shall be erected or placed as indicated herein no later than twenty-four (24) hours prior to the time parking will first be restricted on such street.
- C. The provisions of this Section prohibiting or restricting the parking of vehicles shall be inapplicable to any portion of a street constituting a portion of a State highway six (6) months after receipt by the Council of written notice from the Department of Public Works of the State of the withdrawal by the

department of its approval or such prohibition or restriction as to any such portion of a State highway.

(ORD-08-0011 § 1, 2008; prior code § 3410.109)

10.22.130 - Seventy-two hour parking limit.

- A. No operator of any vehicle shall leave said vehicle standing, and no registered owner of such vehicle shall permit or allow said vehicle to remain standing, upon any street or alley in the City for a period longer than seventy-two (72) hours from the time the vehicle is posted as set forth in this Section; provided, however, that this action shall not authorize the parking or standing of vehicles upon any street or alley in violation of applicable parking limits specified by other provisions of this Title.
- B. Whenever any Police Officer determines by tire marking or otherwise that any vehicle has been standing in one (1) position on any street or alley for a period longer than twelve (12) hours, he shall securely attach a notice upon such vehicle setting forth in such notice a reference to this Section, the location of the vehicle at the time, the date of the notice, and the approximate hour of posting. The notice shall be attached to the vehicle, in such conspicuous place upon the vehicle as to be easily observed by the person in charge of the vehicle upon his return thereto.
- C. For the purpose of this Section, a vehicle shall be deemed to have been left standing when such vehicle has not been moved more than one (1) block under its own power from its original stopped position.
- D. Any vehicle parked in violation of this Section may be removed from the street by any Police Officer in accordance with Section 22652 of the California Vehicle Code.

(Ord. C-5398 § 9, 1978; Ord. 5317 § 1, 1977; prior code § 3410.110)

10.22.140 - Parking prohibited at certain times for street sweeping.

- A. Any other limitation on, or regulation concerning parking contained in this Title to the contrary notwithstanding, no operator of any vehicle shall park or stand the same on any street or portion thereof during the hours and on the day or days of the month indicated on signs containing the words "NO PARKING", which signs have been placed on such street or portion thereof pursuant to the provisions of this Section. The City Manager is authorized to place and erect, or cause to be so placed and erected, the aforesaid signs on any street or portion thereof on which it is necessary to prohibit parking in order to permit City equipment to sweep the street or portion thereof, and to designate on the signs the hours during which, and day or days of the month on which, parking is so prohibited. In the event temporary signs are employed to prohibit parking on any street or portion thereof pursuant to the foregoing, no vehicle parked in violation of the directions set forth on the temporary signs shall be removed, pursuant to the provisions of Subsection C. of Section 10.22.010, unless such signs have been erected or placed on the street or portion thereof at least twenty-four (24) hours prior to such removal.
- B. The provisions of this Section prohibiting the parking of vehicles shall be inapplicable to any portion of a street constituting a portion of a State highway six (6) months after receipt by the Council of written notice from the Department of Public Works of the State of the withdrawal by the department of its approval of such prohibition as to any such portion of a State highway.

(Prior code § 3410.112)

10.22.150 - Repairing vehicle on-streets.

It is unlawful for any person to construct or reconstruct or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any street; provided, however, that temporary, minor repairs in case of an emergency may be made upon any street to enable the vehicle to be moved to a proper place for mechanical work.

(Prior code § 3410.113)

10.22.160 - Parking on private property.

No person shall park a vehicle on private property if there is displayed in plain view a sign prohibiting public parking. The sign shall conform to the following:

- A. The sign structure shall not be less than twenty-four inches (24") by seventeen inches (17") and shall be placed on the private property at each driveway access or curb cut allowing vehicular access to the property, within five feet (5') from the public right-of-way line. If there are no curbs or access barriers, signs shall be posted not less than one (1) sign per each fifty feet (50') of the frontage.
- B. The notice shall clearly display the following:
 - 1. In not less than two and three-eighth-inch (23/8) high letters on contrasting background the words "NO PUBLIC PARKING";
 - 2. In not less than one and one-eighth-inch (11/8) high letters on contrasting background "UNAUTHORIZED VEHICLES WILL BE TOWED AWAY AT VEHICLE OWNER'S EXPENSE";
 - 3. If unauthorized parking is not prohibited on a twenty-four (24) hour continuous basis, there shall also be posted in not less than one and one-eighth-inch-high letters the days of the week and hours of the day during which public parking is prohibited;
 - 4. In not less than one and one-eighth-inch (11/8) high letters, the Police Department telephone number and the section of the California Vehicle Code which authorizes the impounding of the vehicle.
- C. The sign structure displaying the required notices shall be permanently installed with the bottom of the sign not less than four feet (4') above ground level and shall be continuously maintained on the property for not fewer than seventy-two (72) hours before the towing or removal of vehicles.

Pedestrian safety should be taken into consideration when locating freestanding signs. A violation of this Section shall be deemed an infraction.

(Ord. C-6135 § 3, 1985; Ord. C-6099 § 6, 1984)

10.22.180 - Parking of vehicles near intersections.

No person shall stop, stand or park a vehicle which is six feet (6') or more in height, including any load thereon, within one hundred feet (100') of an intersection on-streets which have been so posted with appropriate signs by the City Traffic Engineer.

(Ord. C-6246 § 4, 1986)

10.22.182 - Parking regulations within public housing projects.

Pursuant to California Vehicle Code Section 21111, the following parking regulations shall apply within the boundaries of any housing project owned or operated by a public Housing Authority:

- A.

Permit required. No person shall stop, park or leave standing any vehicle whether attended or unattended except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer, in any area within a public housing project which is specifically designated and posted as a restricted parking lot, unless such vehicle clearly displays an authorized and valid parking permit duly issued by the Housing Authority.

- B. Designated spaces. No person shall stop, park or leave standing any vehicle whether attended or unattended except when necessary to avoid conflict with other traffic, or in compliance with the directions of a peace officer, in any area within a public housing project which is specifically designated as a parking lot, with designated parking spaces marked for such use unless such vehicle is parked clearly within a designated space so provided.
- C. No repair. It is unlawful for any person to construct or reconstruct, or cause to be constructed or reconstructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any street, or in any designated parking lot or area within a public housing project; provided, however, that temporary, minor repairs in case of an emergency may be made upon any street or parking lot area to enable the vehicle to be moved to a proper place for mechanical work.
- D. Signs. The Housing Authority shall erect or place appropriate signs giving notice of the regulations imposed under this Section, and a copy of these regulations shall be kept at an administrative office within the housing project and made available for examination by interested persons.
- E. Towing. Any vehicle parked in violation of the provisions of this Section may be towed away at the owner's expense pursuant to California Vehicle Code Section 22658 and Section 10.22.160 of this Code.

(Ord. C-6663 § 1, 1989)

CHAPTER 10.24 - PARKING—RESTRICTIONS

FOOTNOTE(S):

--- (10) ---

State Law reference— Provisions on parking and stopping, Veh. C. § 22500 et seq.

10.24.005 - Definitions.

The following definitions shall apply to this Chapter:

- A. "Oversized vehicle" means a vehicle which exceeds eighty-five inches (85") high or eighty inches (80") wide or twenty feet (20') long on a residential street or eighty-five inches (85") high or twenty feet (20') long on a nonresidential street. A boat, equipment or other object on or attached to a trailer shall be measured together with the trailer.
- B. "Nonresidential street" means a street or portion thereof on which the majority of traffic is nonresidential, and which is adjacent to property on which the majority of uses are commercial, industrial or institutional.
- C. "Residential street" means a street or portion thereof adjacent to property on which the majority of uses are residential in nature.
- D. "Permitted commercial loading period" means the time allowed for the actual loading or unloading of goods. The permitted commercial loading period shall be twenty (20) minutes, or such other time period as posted by the City Traffic Engineer.

(Ord. 05-0025 § 5, 2005)

10.24.010 - Angle parking.

- A. When the City Council authorizes angle parking at a given location, the City Traffic Engineer shall mark or sign such location indicating the angle at which vehicles shall be parked.
- B. When signs or markings are in place indicating angle parking, as provided in this Section, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- C. No vehicle which exceeds twenty feet (20') in length is permitted to occupy such angle parking.
- D. The City Traffic Engineer is authorized to post signs prohibiting the use of angle parking spaces by motorcycles when he or she determines that the restriction will result in more efficient use of on-street parking and that motorcycle only parking is located within a reasonable distance from the restricted parking space.

(Ord. C-7869 § 1, 2003; Ord. C-7750 § 6, 2001; prior code § 3410.90)

10.24.030 - Stopping prohibited where posted—Compliance required.

No person shall stop any vehicle for any purpose at any location where a sign is posted prohibiting such stopping. If stopping is prohibited during stated hours or days, no person shall stop at that location during such stated hours and days. For purposes of this Chapter, a vehicle shall be deemed stopped for a period of up to and including five (5) minutes, after which such vehicle shall be deemed parked and shall be subject to Section 10.24.050 of this Chapter.

(ORD-07-0029 § 1, 2007; Ord. C-7801 § 1, 2002; Ord. C-7750 § 7, 2001; Ord. C-5398 § 7, 1978; prior code § 3410.106)

10.24.050 - Parking prohibited where posted—Compliance required.

Except where parking by permit pursuant to Chapter 10.32 of this Code is expressly authorized, no person shall park any vehicle for any purpose at any location where a sign is posted prohibiting such parking. If parking is prohibited during stated hours or days, no person shall park at that location during such stated hours and days.

(ORD-07-0029 § 2, 2007)

10.24.055 - School street parking prohibited—Compliance required.

The City Traffic Engineer is hereby authorized, subject to the provisions and limitations of this Title, to place, when the need has been established by a Traffic Engineering study, applicable parking restriction signs at applicable times of the day within five hundred feet (500') of a school as a means to facilitate traffic circulation and increase safety at school sites.

(Ord. C-7366 § 2, 1995)

10.24.075 - Parking of unattached trailers prohibited.

- A. No person shall park any unattached trailer at any location where a sign is posted pursuant to authorization of the City Traffic Engineer.
- B. Notwithstanding Subsection 10.24.075.A, the City Traffic Engineer is hereby authorized to restrict the parking of unattached trailers by posting signs, when the need has been established by evidence satisfactory to the City Traffic Engineer in the following circumstances:
 - 1. Within the parking impacted area;
 - 2. Business districts, as that term is defined in Section 235 of the California Vehicle Code;
 - 3. Frontage roads of arterial streets;
 - 4. Residential streets of less than thirty-six feet (36') in width;
 - 5. Along any curb where the parking of unattached trailers may pose a safety risk to traffic, cyclists or pedestrians;
 - 6. Along any street in which a substantial number of adjacent businesses or occupants support the installation of such restriction, upon receipt of a written request from a Council district and a determination by the City Traffic Engineer that there is either majority support for or lack of sufficient opposition to the proposed restrictions. The City Traffic Engineer's determination shall be based on responses from occupants of properties with front curbs proposed to be affected by the action received after notice of the proposed restrictions.

(ORD-09-0021, § 21, 2009; Ord. C-7750 § 8, 2001; Ord. C-7698 § 2, 2000; Ord. C-7569 § 1, 1998; Ord. C-7407 § 3, 1996; Ord. C-7318 § 4, 1995; Ord. C-7208 § 1, 1994; Ord. C-7203 § 1, 1994; Ord. C-6982 § 4, 1992; Ord. C-6821 §§ 12, 15, 1990; Ord. C-6802 § 3, 1990; Ord. C-6797 § 5, 1990; Ord. C-6728 § 1, 1990; Ord. C-6711 § 2, 1990; Ord. C-6629 § 1, 1989; Ord. C-6554 § 1, 1989)

10.24.076 - Continuation of existing oversized vehicle regulation.

Except as otherwise provided in this Chapter, and except as amended or altered from time to time under the authority of this Chapter, all oversized vehicle restrictions and prohibitions heretofore placed in the City shall remain in full force and effect. The elimination from this Code of previously enumerated locations for such regulation does not constitute the repeal of such regulations.

(Ord. 05-0025 § 1, 2005; Ord. C-7949 § 1, 2004; Ord. C-7888 § 1, 2003; Ord. C-7878 § 1, 2003; Ord. C-7864 § 1, 2003; Ord. C-7858 § 1, 2003; Ord. C-7844 § 1, 2003; Ord. C-7841 § 1, 2003; Ord. C-7825 § 1, 2002; Ord. C-7804 § 1, 2002; Ord. C-7798 § 1, 2002; Ord. C-7787 § 1, 2002; Ord. C-7761 § 1, 2001; Ord. C-7746 § 3, 2001; Ord. C-7742 § 1, 2001; Ord. C-7730 § 1, 2001; Ord. C-7718 § 3, 2000; Ord. C-7700 § 2, 2000; Ord. C-7698 § 3, 2000; Ord. C-7689 § 2, 2000; Ord. C-7644 § 1, 1999; Ord. C-7623 § 1, 1999; Ord. C-7610 § 1, 1999; Ord. C-7599 § 1, 1999; Ord. C-7586 § 1, 1999; Ord. C-7525 § 3, 1998; Ord. C-7464 § 1, 1997)

10.24.077 - Posting of restrictions.

The City Traffic Engineer shall place and maintain or cause to be placed and maintained, on each of the streets or portions of streets on which oversized vehicle parking is restricted, appropriate signs notifying the public of such restrictions.

(Ord. 05-0025 § 2, 2005; Ord. C-7464 § 4, 1997)

10.24.078 - Parking of oversized vehicles prohibited.

- A. Where posted, no person who owns, has custody, or control of an "oversized vehicle" as defined in Section 10.24.005, shall cause it to be parked on any public street.
- B. Subsection A of this Section shall not apply to an oversized vehicle, so long as it is parked in a manner which otherwise complies with applicable State law and the City of Long Beach Municipal Code, when a valid permit is displayed on the inside of the lower left corner of the windshield of an oversized vehicle so as to be visible from the street. Said permit may be obtained and displayed in accordance with Section 10.24.080 of this Chapter.
- C. Subsection A of this Section shall not apply to a commercial vehicle which is engaged in the active loading or unloading of goods for a period of time which does not exceed the "permitted commercial loading period" as defined in Section 10.24.005

(Ord. ORD-05-0025 § 3, 2005)

10.24.079 - Designation and termination of oversized vehicle parking restrictions.

Installation or removal of oversized vehicle parking restrictions may be initiated in one (1) of the following ways:

- A. Safety/traffic hazards. The City Traffic Engineer may install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block when the need has been established by evidence satisfactory to the City Traffic Engineer based on factors including, but not limited to, street size and width, traffic patterns and volume, traffic on nearby streets or street segments, location of the street in the parking impacted area, neighborhood characteristics and City-wide traffic plans; or
- B. Petition. The City Traffic Engineer is authorized to install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a petition containing the signatures of occupants of two-thirds (2/3) of the street addresses of properties with front curbs proposed to be affected by the action. The City Traffic Engineer shall make available for this purpose a petition form containing the street addresses of said properties. In the case of nonresidential properties, the petition must contain the signatures of owners or owners' agents for at least two-thirds (2/3) of the linear street frontage described on the petition, irrespective of the property's legal address; or
- C. Council district office. As an alternative to the petition process, the City Traffic Engineer is authorized to install or remove oversized vehicle parking restrictions from one (1) or both sides of any street or block upon receipt of a written request from a Council district office and a determination by the City Traffic Engineer that there is either majority support for or lack of

sufficient opposition to the proposed restrictions. The City Traffic Engineer's determination shall be based on responses from occupants of properties with front curbs proposed to be affected by the action received after notice of the proposed restrictions.

(ORD-09-0021, § 22, 2009; ORD-05-0025 § 4, 2005; Ord. C-7464 § 2, 1997)

10.24.080 - Oversized vehicle forty-eight hour parking permit for residential streets.

- A. The Fire Department, or such other department as the City Manager shall designate, is authorized to issue oversized vehicle parking permits for campers, trailers, boats on trailers and recreational vehicles for the purpose of such activities as loading, unloading or performing maintenance on such vehicles for a period of not more than forty-eight (48) hours. Such activities must be conducted in compliance with all other laws and regulations. No more than twelve (12) permits shall be issued to any one (1) eligible resident or to any one (1) eligible vehicle within one (1) calendar year and a twenty-four (24) hour period must elapse between permits.
- B. Oversized vehicle parking permits shall be issued for motor vehicles upon application of the registered owner or such other person who can provide evidence of residency at a location at which on-street parking of oversized vehicles is prohibited and can demonstrate exclusive use and control of the vehicle for which application is made.
- C. Each oversized vehicle parking permit shall be issued for a period not to exceed forty-eight (48) hours in duration. Each application or reapplication for oversized vehicle parking permits shall be in writing and shall contain sufficient information to satisfy the administering department as to the identity and residential address of the applicant, the applicant's registered ownership or exclusive use and control of the vehicle for which application is made, the license number of the vehicle, and any other information that the administering department deems necessary for the proper processing of the application.
- D. The Fire Chief or his designee may place further restrictions on any permit issued as deemed necessary to protect the public health and safety. Such restrictions shall appear on the face of the permit which shall be displayed on the inside of the windshield of the vehicle for which the permit is issued so as to be readily visible to a person approaching the vehicle from the front thereof.
- E. Applications for issuance of forty-eight (24) hour permits shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council.

(Ord. ORD-05-0025 § 6, 2005; Ord. C-7464 § 3, 1997)

10.24.090 - Limited time parking.

- A. At any location where a sign is posted pursuant to authorization of the City Traffic Engineer limiting the duration of parking, no person shall park any vehicle for a time period which exceeds the stated time limit.
- B. Notwithstanding the foregoing, the City Traffic Engineer is authorized to install signs restricting the duration of parking in the parking impacted area when such parking restrictions are reasonably intended to facilitate business activity, to improve access to public facilities or enhance resident access to parking in neighborhoods. In deciding to install or remove time limited parking restrictions, the City Traffic Engineer shall consider the comments of businesses and residents affected by the proposed change. This Subsection does not alter in any way the limitations stated in Section 10.22.030 of this Code.
- C. For purposes of this Section, a vehicle shall be deemed to have been left standing when such vehicle has not been moved more than one (1) block under its own power from its original stopped position.

(ORD-09-0021, § 23, 2009; Ord. C-7750 § 9, 2001; Ord. C-5398 § 10, 1978; prior code § 3410.111)

10.24.130 - Parking space markings.

- A. The City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbing where authorized parking is permitted.
- B. When such parking space markings are placed in the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked, other than within a single space, unless the size or shape of the vehicle makes compliance impossible.
- C. The City Traffic Engineer is authorized to post signs prohibiting the use of any marked parking space by motorcycles when he or she determines that the restriction will result in more efficient use of on-street parking and that motorcycle only parking is located within a reasonable distance from the restricted parking space.
- D. The City Traffic Engineer is authorized to exercise reasonable discretion in the marking of parking space sizes within the parking impacted area in order to maximize on-street parking availability.

(ORD-09-0021, § 32, 2009; Ord. C-7869 § 2, 2003; prior code § 3410.108)

10.24.140 - Designated parking areas on certain streets.

- A. The City Council finds and declares that the parking of vehicles on certain narrow streets in densely populated areas within the City creates a detrimental condition affecting the health, safety and welfare of the community by encroaching upon the traveled portions of said streets in such a manner as to impede and obstruct the free flow of traffic, thus requiring the parking restrictions as contained herein.
- B. Notwithstanding Section 10.24.130, the City Traffic Engineer is authorized to designate and maintain parking areas or spaces and to post signs in such a manner along the curbing of streets located within the parking impacted area, to require vehicles to park entirely within said designated areas or spaces, so as not to encroach upon the traveled portion.

(ORD-09-0021, § 24, 2009; Ord. C-6564 § 4, 1989; Ord. C-6241 § 1, 1986)

10.24.150 - Motorcycle only parking areas.

- A. The City Traffic Engineer is authorized to post signs designating motorcycle only parking areas when he or she determines that the restriction will result in more efficient use of on-street parking.
- B. No vehicle other than a motorcycle shall park in an area designated as a motorcycle only parking area.
- C. No portion of a motorcycle parked in a motorcycle only parking area shall extend into any other parking space or into any area in which parking is prohibited.

(Ord. C-7869 § 3, 2003)

CHAPTER 10.25 - MOTOR VEHICLE ALARMS

10.25.010 - Motor vehicle alarms—Violations—Penalties.

- A. The City Council finds and declares that a significant problem exists in the City with motor vehicle alarms. Many alarms are activated by accident or carelessness and not as the result of any criminal activity. The noise from motor vehicle alarms is contrary to public health, safety and welfare of the community and is declared to be a public nuisance.
- B. No person shall cause, allow, permit or suffer any alarm located in a motor vehicle registered in the name of or operated by such person to emit any continuous or intermittent audible sound in the City for a period of more than fifteen (15) minutes. The time shall be calculated based upon the emission of the first audible sound and ending fifteen (15) minutes thereafter notwithstanding any variation or delay in the emissions of audible sound.
- C. Except as provided in Subsection 10.25.010.D, any person violating this Section shall be guilty of an infraction. Any person convicted of an infraction under this Section shall be punishable by a fine of not more than twenty-five dollars (\$25.00).
- D. Any person violating this Section who has been previously convicted of three (3) or more violations of this Section shall be guilty of a misdemeanor.
- E. The Police Department, in order to abate the public nuisance created by a vehicle in violation of this Section, may take such steps as are reasonably necessary to enter the vehicle, disconnect the alarm, and remove the vehicle for safekeeping in the manner permitted by law.

(Ord. C-6036 § 2, 1984)

CHAPTER 10.26 - STOPPING WHILE LOADING OR UNLOADING

FOOTNOTE(S):

--- (11) ---

State Law reference— Provisions authorizing local authorities to regulate the operation of vehicles for hire, Veh. C. § 21100.

10.26.010 - Yellow, white or green curb markings.

The City Traffic Engineer is authorized, subject to the provisions and limitations of this Title, to place, and when the need has been established by Traffic Engineering study, shall place curb markings and/or appropriate signs to indicate parking regulations as enumerated in this Section and in Section 10.26.020. Where no curb exists, markings may be painted upon the most appropriate surface or signs may be placed instead of or in addition to such markings. When such markings and/or signs have been installed and are in place, it is unlawful for the operator of any vehicle to stop, stand or park such vehicle in violation of any such marking and/or sign.

- A. Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for a period of not in excess of two (2) minutes for passenger loading or unloading, nor twenty (20) minutes for freight loading or unloading. The words "LOADING ZONE" shall be stenciled on the yellow paint or appropriate signs may be posted. This restriction shall apply only between 7:00 a.m. and 6:00 p.m. on any day except Sundays and holidays.
- B. White indicates stopping only for loading or unloading of passengers or depositing mail in an adjacent mailbox, or when stenciled "TAXICAB STAND", for the standing of taxicabs or automobiles for hire. No person shall use a white zone for a period in excess of two (2) minutes except that taxicabs or automobiles for hire at taxicab stands are exempted from this time limit.
- C. Green indicates parking limited to a time from ten (10) to thirty (30) minutes, as determined by the City Traffic Engineer for a particular location or locations, between 9:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays. A legend containing the applicable time limitation followed by the words "MIN. PARKING" shall be stenciled on the green, or appropriate signs may be posted.
- D. Upon posting of appropriate signs, when the need has been established evidence satisfactory to the City Traffic Engineer, the City Traffic Engineer is authorized to create commercial and passenger loading zones for specified days and times to accommodate and balance the specialized demands of parking and loading needs of businesses and residents.

(ORD-09-0021, § 25, 2009; Ord. C-5439 § 1, 1978; Ord. C-5398 § 5, 1978; Ord. C-5355 § 1, 1977; prior code § 3410.100)

10.26.020 - Red curb markings.

When red curb markings have been installed and are in place, no operator shall stop or park any vehicle for any purpose at any time except that a bus may stop in a red zone marked or sign posted as a bus stop as provided in Section 10.26.040. Red curb markings may be used to supplement or in place of signs prohibiting stopping.

(ORD-09-0021, § 26, 2009; Ord. C-5398 § 6, 1978; prior code § 3410.101)

10.26.030 - Stopping in alley.

- A. No person shall stop, stand or park a vehicle in any alley for any purpose other than the loading or unloading of persons or materials, except at locations where parking is permitted by the provisions of Subsection B of this Section.
- B. Notwithstanding the foregoing, in the parking impacted area, the City Traffic Engineer, with the concurrence of the Chief of Police and the Fire Marshall, is authorized to permit parking in alleys or portions of alleys upon the posting of appropriate signs.

(ORD-09-0021, § 27, 2009; Ord. C-5711 § 1, 1981; prior code § 3410.101)

10.26.040 - Bus stop marking.

The City Traffic Engineer is authorized to establish bus stops and to designate curb space for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation. Such bus stops shall be indicated by a sign, or by red curb markings.

(ORD-09-0021, § 28, 2009; Ord. C-5691 § 2 (part), 1981; prior code § 3410.103)

10.26.050 - Warning lights while obstructing street.

No person having charge of any building materials, excavation, house movers' materials or appliance, or any obstruction of the public streets of the City, shall allow the same to remain on any public street, alley or public place of the City at any time during the hours between darkness and dawn, without maintaining a lighted lantern at each end of the building material, excavation, house movers' materials, or obstruction.

(Prior code § 3470)

CHAPTER 10.28 - PARKING METERS

FOOTNOTE(S):

--- (12) ---

State Law reference— Provisions authorizing local authorities to establish parking meter zones, Veh. C. § 22508.

Note— Prior history: Prior code §§ 3420—3420.12; Ords. C-5309, C-5357, C-5530, C-6283, C-7920, ORD-06-0015 and ORD-06-0031.

10.28.010 - Definitions.

As used in this Chapter:

"Alternate form of payment" means any lawful form of payment, including but not limited to, tokens, prepaid cards, debit cards, credit cards that a parking meter is equipped to accept as payment for occupying a parking space.

"Metered parking space" means a parking space within a parking meter zone or metered parking area or lot.

"Multi-space parking meter," also known as a pay station or pay and display machine, means a device which records paid parking time, or accepts payment and dispenses a proof of payment ticket for more than one (1) parking space. If not located immediately adjacent to the parking space it regulates, a multi-space parking meter will be marked or labeled to identify the spaces it regulates.

"Parking meter" means any device which, upon the deposit of payment, registers the time that a vehicle is parked in a metered parking space, or which generates proof of payment for parking in a metered parking space for a specified time period or for a specific number of minutes. "Parking meter" includes a multi-space parking meter.

"Proof of payment ticket" means a paper slip or ticket dispensed from a multi-space parking meter for the sole purpose of being displayed as proof of payment for the occupancy of a metered parking space. For the purposes of this Chapter, "proof of payment ticket" does not include a credit card receipt or debit card receipt.

"Single-space parking meter" means a device located adjacent to a metered parking space, which device records paid parking time or accepts payment for parking time for one (1) parking space.

"Veteran's license plate" means a currently valid vehicle license plate issued by the State of California to a person who is one (1) of the following: Medal of Honor recipient, Legion of Valor recipient, Pearl Harbor survivor, Purple Heart recipient or former prisoners of war. The term includes a license plate issued by another State indicating a similar status.

(ORD-07-0003 § 1 (part), 2007)

10.28.020 - Installation of metered parking spaces and parking meters.

- A. Council may authorize the City Traffic Engineer to establish metered parking spaces within parking meter zones and parking areas or lots, each of which spaces shall be of sufficient size to permit the parking or standing of one (1) vehicle.
- B. The City Traffic Engineer shall post signs, or place lines or marks on the curb, street or other area about or alongside of each parking meter to designate the parking space for which the meter is to be used.
- C. To regulate parking and collect parking revenues, the City Traffic Engineer is further authorized to place a parking meter, as defined in this Chapter, which registers the time that a vehicle is parked in a metered parking space or which generates proof of payment for parking in a metered parking space for a specified time period or for a specific number of minutes.
- D. Nothing in this Section is intended to limit the authority of the City Traffic Engineer to establish green restricted-time parking zones or yellow loading zones.

(ORD-07-0003 § 1 (part), 2007)

10.28.030 - Operation of parking meters.

- A. A parking meter may accept United States currency in the form of coins or paper currency, or accept alternate forms of payment including, but not limited to, prepaid cards, debit cards or credit cards. If not located immediately adjacent to the parking space it regulates, it will be marked or labeled to identify the space for which it accepts payment. Parking meters will operate in one (1) of two (2) ways:
 - 1. Measure, in minutes, the period of time during which the vehicle may park in a parking meter space without violating the provisions of this Chapter or any ordinance regulating parking upon the street or other area on which the parking meter is established. Such a parking meter shall be constructed so that it will, upon the expiration of the period of time, commencing with the deposit and acceptance of payment, and ending with the expiration of the period of time that the parking or standing of a vehicle in the space is permitted, display a flag sign, alphanumeric display or other signal which will indicate that the permitted time for the parking of the vehicle, has expired.
 - 2. Dispense a Proof of Payment Ticket. Such proof of payment ticket must be attached to the driver's side front window with the expiration time and date readily visible from outside the vehicle in order to be valid.

(ORD-07-0003 § 1 (part), 2007)

10.28.040 - Parking method.

Except as required elsewhere in this Code or by State law, any vehicle parked or standing in any metered parking space shall be parked or stand within the lines marked on the street or other area for such parking space as provided hereinafter, with the front end of the car facing the direction of traffic in the adjacent driving lane. No person shall park or stand any vehicle across any such line or mark or park the vehicle in such way that it will not be within the area so designated by the signs, lines or markings.

(ORD-07-0003 § 1 (part), 2007)

10.28.050 - Payment for metered parking space.

- A. No person shall park, stand, or stop any vehicle in any metered parking space during a period for which a parking time limit is applicable to the space without making payment for the use of such space as posted. The provisions of this Section shall not be applicable during those hours when a

parking time limitation is not imposed, nor shall it apply to a vehicle displaying a valid veteran's license plate.

- B. For the purposes of this Chapter, payment is evidenced in one (1) of two (2) ways either: (1) the parking meter which regulates the metered parking space displays one (1) or more minutes of paid time; or (2) a proof of payment ticket is attached to the vehicle as specified in Subsection 10.28.090.C with the expiration time and date readily visible from outside the vehicle on the street side.
- C. Where a single-space parking meter is installed, if the parking meter is inoperable for any reason, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.
- D. Where a multi-space parking meter is installed, if that multi-space parking meter is inoperable for any reason, the person seeking to purchase a proof of payment ticket must purchase proof of payment from the next closest multi-space parking meter. If there is no other operational multi-space meter within one (1) block in any direction without crossing a street, or no other operational multi-space meter within the same parking lot, the time limits posted shall be enforced during the hours of operation for parking meters, as posted.

(ORD-07-0003 § 1 (part), 2007)

10.28.060 - Unlawful to occupy a metered parking space without paying for parking.

- A. No person shall park a vehicle in any parking space without paying for parking, except during such time immediately after the original occupancy as is necessary as to deposit payment into a parking meter and if purchasing a proof of payment ticket at a multi-space parking meter, to return to the vehicle to display such ticket.
- B. No person shall stop or park any vehicle in any parking meter space beyond the time permitted by this Chapter for the parking of vehicles in the block or other area in which the parking meter space is situated; provided, however, this Section shall not apply within the hours during which free parking is permitted in this Chapter nor shall it apply to a vehicle displaying a valid veteran's license plate.
- C. Unless stated otherwise on the parking meter and the proof of parking ticket, nothing in this Section is intended to prevent a person who has purchased a proof of parking ticket from parking in more than one (1) location within the same parking meter zone, so long as the paid time, as evidenced on the proof of parking ticket, has not been exceeded.

(ORD-07-0003 § 1 (part), 2007)

10.28.070 - Unlawful to use or possess a proof of parking ticket purchased by another.

When a person has purchased a proof of payment ticket and has affixed that ticket to a vehicle, it is thereafter unlawful for any other person to remove that ticket, to be in possession of that ticket, or to display that ticket on another vehicle.

(ORD-07-0003 § 1 (part), 2007)

10.28.075 - Unlawful to extend time limits.

No person shall, by depositing additional payment in a parking meter, extend the time for stopping, parking or standing any vehicle beyond the time permitted by this Chapter for parking vehicles within a metered parking space when the vehicle has occupied that space for a consecutive number of minutes equal to or in excess of the legal time parking limit.

(ORD-07-0003 § 1 (part), 2007)

10.28.080 - Prohibited use of parking meter.

- A. No person shall deposit in any parking meter any defaced or bent coin, or any slug, device or substitute for the required coin or coins or paper currency of the United States or acceptable alternate form of payment.
- B. No person shall direct or insert any card, object, substance or device in, upon, or at a parking meter as a means to avoid, or in lieu of, making lawful payment for parking as required by this Chapter.
- C. No person shall deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter by any means.

(ORD-07-0003 § 1 (part), 2007)

10.28.090 - Evidence of payment.

- A. Single-Space Meters. The parking or standing of any vehicle in a parking space, at which space the parking meter displays a sign, flag, alphanumeric display or signal indicating illegal or expired parking, during hours in which parking meters are operational, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this Chapter.
- B. Multi-Space Meters. The parking or standing of any motor vehicle in a metered parking space regulated by a multi-space parking meter which vehicle does not display a proof of parking ticket attached vehicle as set forth in Subsection C of this Section, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such a space for a period longer than permitted by this Chapter.
- C. Proof of payment shall be displayed as follows, with the expiration time and date readily visible from outside the vehicle:
 - 1. For vehicles without side windows, attached to the dashboard of the vehicle adjacent to the vehicle identification number ("VIN");
 - 2. For motorcycles, attached to the headlight and readily visible from the adjacent driving lane;
 - 3. For all other vehicles, attached to the inside of the front side window of the vehicle on the side closest to the adjacent driving lane.
- D. The provisions of this Section shall not apply to a vehicle displaying a currently valid veteran's license plate.

(ORD-07-0003 § 1 (part), 2007)

10.28.100 - Purpose of compensation.

The payment required to be made by depositing money or an alternate form of payment into a parking meter as provided in this Chapter are declared to be necessary to compensate the City for the expense incurred in furnishing facilities, equipment, supervision and regulation required by such parking, and is found to be a reasonable fee for the privilege, voluntarily exercised by owners, operators, managers or drivers of vehicles, of parking the vehicles within the parking spaces, in conformity with the provisions of this Chapter.

(ORD-07-0003 § 1 (part), 2007)

10.28.110 - Payment collection.

All payments made to or deposited in any parking meter shall be collected regularly by a person designated by the City Manager.

(ORD-07-0003 § 1 (part), 2007)

10.28.120 - Demonstration program—Multi-space meters.

As a demonstration program, multi-space parking meters shall be installed on Bay Street west of Pine Avenue and on Pine Avenue north of Bay Street for a three (3) month trial period, to expire July 30, 2006. After that date, parking meters in all parking meter zones may be either single-space meters or multi-space meters, as designated by the City Traffic Engineer.

(ORD-07-0003 § 1 (part), 2007)

10.28.130 - Parking meter zones established—Rates set by resolution.

A. The areas or streets described below are established as parking meter zones:

Zone Number	Area/Street
1	Second Street between Livingston Drive and Bayshore Avenue and all streets intersecting Second Street within those limits from the alley north of, to the alley south of, Second Street, including those parking lots adjacent to the alleyways south of Second Street
1A	Northwesterly side of Park Avenue, beginning one hundred fifteen feet (115') southerly of 2 nd Street, within the Belmont Shore District
2	Ocean Boulevard between Golden Avenue (Golden Shore) and Atlantic Avenue
3	First Street, Broadway, Third Street, Fourth Street, Fifth Street, Sixth Street, and Seventh Street between Pacific Avenue and Long Beach Boulevard; Pacific Avenue between First Street and Seventh Street; and Pine Avenue, Locust Avenue, and Long Beach Boulevard between Ocean Boulevard and Seventh Street
4	First Street, Broadway, Third Street and Fourth Street between Long Beach Boulevard and Atlantic Avenue; Fifth Street, Sixth Street and Seventh Street between Long Beach Boulevard and Elm Avenue; Elm Avenue between Ocean Boulevard and Sixth Street; and Linden Avenue between Ocean Boulevard and Broadway
5	Broadway between Maine Avenue and Pacific Avenue; Third Street, Fourth Street and Fifth Street between Cedar Avenue and Pacific Avenue; Magnolia Avenue (west side only) between Ocean Boulevard and Broadway; Chestnut Avenue between Broadway and Third Street; and Cedar Avenue between Broadway and Fifth Street
6	Pacific Avenue and Locust Avenue between Seventh Street and Eighth Street; Pine Avenue between Seventh Street and Tenth Street; Long Beach Boulevard

	between Seventh Street and Fourteenth Street; Seventh Street between Long Beach Boulevard and Elm Avenue; and Eighth Street between Pacific Avenue and Locust Avenue
7	(Reserved)
8	(Reserved)
9	(Reserved)
<u>10</u>	(Reserved)
<u>11</u>	(Reserved)
<u>12</u>	(Reserved)
<u>13</u>	(Reserved)
<u>14</u>	(Reserved)
<u>15</u>	(Reserved)
<u>16</u>	(Reserved)
<u>17</u>	(Reserved)
<u>18</u>	Pine Avenue between Seaside Way and Ocean Boulevard
<u>19</u>	Pine Avenue between Seaside Way and its southerly terminus
<u>20</u>	Shoreline Drive between Linden Avenue and Aquarium Way
<u>21</u>	Aquarium Way between Shoreline Drive and Seaside Way
22	Cedar Avenue between Shoreline Drive and Seaside Way
23	Bay Street between Cedar Avenue and Pine Avenue
24	The Paseo between Aquarium Way and Pine Avenue
25	Seaside Way between Linden Avenue and Golden Shore
26	(Reserved)
27	Palo Verde between Atherton Street and Anaheim Road

28	Anaheim Road between Palo Verde Avenue and Iroquois Avenue
29	Lew Davis Drive between Faculty Drive and Clark Avenue
30	Carson Street between Faculty Drive and Clark Avenue
31	Ocean Boulevard between Termino Avenue and Bennett Avenue
32	Olympic Plaza between Termino Avenue and Bennett Avenue
33	Ocean Boulevard between Bay Shore Avenue and Fifty-fifth Place

- B. The rates of parking meters fees for the parking meter zones described in this Section shall be set, from time to time, by resolution of the City Council, which rates may vary, at the discretion of the City Council, from zone to zone.

(ORD-10-0018, § 1, 2010; ORD-06-0031 § 1, 2006)

CHAPTER 10.30 - BEACH AREA PARKING LOTS

10.30.010 - Designated—Definitions.

- A. The beach area parking lots of the City shall be those parking lots owned by the City that are described and named as follows:
1. Ocean Beach parking lots. The Ocean Beach parking lots shall be those parking lots that lie south of Ocean Boulevard, which lots are individually named and described as follows:
 - a. Junipero Avenue parking lot. The Junipero Avenue parking lot is the parking lot located on the beach southerly of the intersection of Junipero Avenue and Ocean Boulevard.
 - b. Belmont Pier-Plaza parking lot. The Belmont Pier-Plaza parking lot is the parking lot located on the beach southerly of Allin Street between Belmont Pier on the west and the southerly projection of Termino Avenue on the east.
 - c. Granada Avenue parking lot. The Granada Avenue parking lot is the parking lot located on the beach southerly of Ocean Boulevard between the intersection of Ocean Boulevard and Bennett Avenue on the west and the intersection of Granada Avenue and Ocean Boulevard on the east.
 - d. La Verne Avenue parking lot. The La Verne Avenue parking lot is the parking lot located on the beach southerly of the intersection of Ocean Boulevard and La Verne Avenue.
 - e. Fifty-Fourth Place parking lot. The Fifty-Fourth Place parking lot is the parking lot located on the beach southerly of Ocean Boulevard between the southerly projection of Bay Shore Avenue on the west and the southerly projection of Fifty-Fourth Place on the east.
 - f. Seventy-Second Place parking lot. The Seventy-Second Place parking lot is the parking lot located on the beach southerly of the easterly projection of Ocean Boulevard between Seventy-First Place on the west and the Alamitos Bay entrance channel on the east.
 - g. Alamitos Avenue parking lot. The Alamitos Avenue parking lot is the parking lot located on the beach southerly of Ocean Boulevard and easterly of the southerly prolongation of Alamitos Avenue.
 - h. Claremont Launch Ramp parking lot. The Claremont Launch Ramp parking lot is located southerly of Ocean Boulevard at Claremont Avenue.
 - i. Davies Launch Ramp parking lot. The Davies Launch Ramp parking lot is located at 6201 East Second Street.
 - j. Shoreline Park parking lot. The Shoreline Park parking lot is the parking lot located easterly of the Queens Way Bridge and adjacent to Shoreline Park and Pierpoint Landing.
 - k. South Shore Launch Ramp and lot. The South Shore Launch Ramp and lot is the parking lot located on Queens Way Drive, westerly of the Queens Way Bridge.
 2. Catalina Landing South parking lot. The Catalina Landing South parking lot is located west of Queens Way Bridge and east of the Catalina Landing Basin.
 3. Alamitos Bay Beach parking lots. The Alamitos Bay Beach parking lots shall be those defined, described and named as follows:
 - a.

Bay Shore playground parking lot. The Bay Shore playground parking lot is the parking lot located northerly of Ocean Boulevard between Fifty-Fourth Place on the west and Fifty-Fifth Place on the east.

- b. Marine Park parking lot. The Marine Park parking lot is the parking lot located adjacent to Marine Park, which lot lies southeasterly of the northeasterly projection of Ravenna Drive and lies northerly and northeasterly of Appian Way.
- 4. Colorado Lagoon Beach parking lots. The Colorado Lagoon Beach parking lots shall be those defined, described and named as follows:
 - a. Colorado Lagoon South parking lot. The Colorado Lagoon South parking lot is the parking lot that lies northeasterly of Appian Way between the intersection of Appian Way and Park Avenue on the west and the intersection of Appian Way and Colorado Boulevard on the east, between the Appian Way and the Colorado Lagoon.
 - b. Colorado Lagoon North parking lot. The Colorado Lagoon North parking lot is the parking lot that lies between Recreation Park 9-hole Golf Course and the Colorado Lagoon, southerly of Sixth Street.
- 5. Shoreline Marina parking lots. The Shoreline Marina parking lots shall be defined, described and named as follows:
 - a. Marina Green parking lot. The Marina Green parking lot is the parking lot located southerly of Shoreline Drive and adjacent to and easterly of Shoreline Village Drive and north of the Shoreline Marina.
 - b. Shoreline Marina parking lot. The Shoreline Marina parking lot is the parking lot located southerly of Shoreline Drive adjacent to and easterly of Shoreline Village Drive immediately north of the Shoreline Marina and is commonly referred to as the boat owners' lot from gangways R through GG.
 - c. West Mole parking lot. The West Mole parking lot is the parking facility located on the west mole of the Shoreline Marina.
- 6. Alamitos Bay Marina parking lots. Alamitos Bay Marina parking lots are those located at marina Basins 1, 2, 3, 4, 5 and 6 and Naples Landing as defined in Section 16.08.130 of the Long Beach Municipal Code.
- B. "Parking meter" shall have the same meaning as set forth in Section 10.28.010 of the Long Beach Municipal Code.
- C. "Slot meter" means any device with numbered apertures to receive money corresponding to the similar numbered parking space.

(ORD-10-0004, § 1, 2010; Ord. C-7969 §§ 1, 2, 2005; Ord. C-7682 §§ 1, 2, 2000; Ord. C-7043 § 1, 1992; Ord. C-5956 § 1, 1983; Ord. C-5712 § 2 (part), 1981; prior code § 7310)

10.30.020 - Parking fees—Required—Exceptions.

- A. No person shall park, stand, or stop any vehicle in any parking space in a beach area parking lot during a period for which a parking time limit is applicable to such space without paying the posted parking fee.
- B. Subsection A of this Section shall not apply to a vehicle displaying a currently-valid veteran's license plate, as defined in Section 10.28.010 of this Code.

(ORD-07-0003 § 2, 2007; Ord. C-5712 § 2 (part), 1981; prior code § 7310.1)

10.30.030 - Parking fees—Amount and manner of collection.

The City Manager shall determine the amount of and the most efficient manner of collecting parking fees for use of the beach area parking lots and, upon approval thereof by the City Council, shall place and maintain or cause to be placed and maintained signs giving notice thereof.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.2)

10.30.040 - Parking fees—Period not applicable.

No parking fee shall be collected for lot use prior to eight o'clock (8:00) a.m. or subsequent to eight o'clock (8:00) p.m. For all beach area parking lots, with the exception of the Shoreline Park parking lot and the Marina Green parking lot. No parking fee shall be collected for lot use prior to eight o'clock (8:00) a.m. or subsequent to twelve midnight (12:00) a.m. for the Shoreline Park parking lot and Marina Green parking lot. This Section is applicable except as provided in Section 10.30.090.

(ORD-10-0004, § 2, 2010; Ord. C-5712 § 2 (part), 1981: prior code § 7310.3)

10.30.050 - Special regulations—Parking time limits.

In no case shall the time limit during which a parking fee is payable for lot use on any day be in excess of a single sixteen (16) hour period.

(ORD-10-0004, § 3, 2010; Ord. C-6948 § 1, 1991: Ord. C-5712 § 2 (part), 1981: prior code § 7310.4)

10.30.060 - Special regulations—Method of parking.

No person shall park, stand, or stop any vehicle in any beach area parking lot except within parking spaces designated by lines or marks on the curbs or pavement.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.5)

10.30.070 - Special regulations—Seventy-two hour parking limit.

- A. Except as provided in Section 10.30.090, no person shall leave any vehicle parked or standing and no registered owner of such vehicle shall permit or allow such vehicle to remain parked or standing in any beach area parking lot for a period longer than seventy-two (72) hours from the time such vehicle is posted; provided, however, such posting shall not authorize the parking or standing of vehicles in any beach area parking lot in violation of applicable parking limits specified by other provisions of this Chapter.
- B. Whenever any Police Officer or Marine Bureau employee designated in Section 16.08.340, determines by tire marking or otherwise that any vehicle has been standing in one (1) position for a period in excess of the time limit designated by signs giving notice thereof, he shall securely attach a notice in a conspicuous place upon such vehicle setting forth in such notice a reference to this Section, the location of the vehicle at the time, the date of such notice, and the approximate hour of posting.
- C. For the purpose of this Section, a vehicle shall be deemed to have been left standing when such vehicle shall not have been removed completely out of the parking lot under its own power.
- D. Any vehicle parked for a period longer than seventy-two (72) hours from the time of posting as hereinabove set forth, may be removed from the beach parking lot by any Police Officer or by a designated Marine Bureau employee in accordance with procedures set forth in the California Vehicle Code.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.6)

10.30.080 - Special regulations—Prohibition against overnight parking in designated lots.

- A. No person shall park any vehicle in the following parking lots between the hours of ten o'clock (10:00) p.m. and one (1) hour before sunrise of the following day:
1. La Verne Avenue lot;
 2. Fifty-Fourth Place lot;
 3. Bayshore playground lot;
 4. Basin 7 parking lot (Naples Landing);
 5. Marina Green lot;
 6. Shoreline Marina lot (R—GG boat owners);
 7. West Mole lot (A—P boat owners);
 8. Basins 1, 2, 3, 4, 5 and 6 parking lots;
 9. Alamitos Bay Marina parking lot, Basin 8;
 10. Boathouse Lane lot;
 11. Alamitos Avenue lot.
- B. No person shall park any vehicle in the following parking lots between the hours of twelve o'clock (12:00) midnight and one (1) hour before sunrise of the following day:
1. Belmont Pier lot;
 2. Granada Avenue.
- C. No person shall park any vehicle in the following parking lots between one (1) hour after sunset and one (1) hour before sunrise of the following day:
1. Seventy-Second Place lot;
 2. Marine Park lot;
 3. Colorado Lagoon South lot;
 4. Junipero Avenue lot.
- D. No person shall park any vehicle in the following parking lots between one (1) hour after sunset and eight o'clock (8:00) a.m. of the following day:
1. Granada Avenue launch ramp and lot;
 2. Claremont Avenue launch ramp and lot;
 3. Marine Stadium launch ramp;
 4. Colorado Lagoon North lot.
- E. Parking and launching of vessels is permitted twenty-four (24) hours a day or at any time at the Davies launch ramp and lot.
- F. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the hours of closing of all beach area parking lots.
- G. Notwithstanding any other provision of this Section 10.30.080, overnight parking is permitted in any parking lot mentioned in such section with a permit issued by the Director of Parks, Recreation and Marine, or his designee, at a fee to be established by City Council resolution.

(Ord. C-7969 § 3, 2005; Ord. C-7832 § 1, 2002; Ord. C-7682 § 3, 2000; Ord. C-7211 § 1, 1994; Ord. C-7118 § 1, 1993; Ord. C-7043 § 2 (part), 1992; Ord. C-6001 § 1, 1983; Ord. C-5712 § 2 (part), 1981; prior code § 7310.7)

10.30.090 - Special regulations—Prohibition against overnight parking of certain vehicles.

No person shall park any bus, camper, house car, trailer coach or any other vehicle adapted for human habitation or occupancy in any beach area parking lot between the hours of midnight (12:00 a.m.) and 5:00 a.m. without a permit issued by the Manager of the Marine Bureau pursuant to rules and regulations promulgated by the City Manager and approved by the City Council. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the parking restrictions provided for in this Section.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.8)

10.30.100 - Special regulations—Prohibition against camping.

No person shall camp or lodge within any beach area parking lot.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.9)

10.30.110 - Special regulations—Buses and vehicles of excessive length.

Unless directed by an authorized City employee, no person shall park, stand, or stop any bus or other vehicle of excessive length within any beach area parking lot in such a manner as to occupy more than two (2) parking spaces or as to constitute an obstruction of the traffic lanes within the lot. For the purpose of this Section, the definition of a "bus" shall be that set forth in California California Vehicle Code § 233.

(Ord. C-5712 § 2 (part), 1981: prior code § 7310.10)

10.30.120 - Special regulations—Vehicles with trailers.

- A. No person shall park, stand or store any unattached boat trailer in the Shoreline Marina parking lot or the Alamitos Bay Marina parking lot without a permit issued by the Manager of the Marine Bureau pursuant to rules and regulations promulgated by the City Manager and approved by the City Council.
- B. No person shall park, stand or stop any motor vehicle and trailer in any beach area parking lot unless the trailer is uncoupled from the motor vehicle and placed in a separate parking space.
- C. For those lots in which parking meters or slot meters have been installed, no person shall park, stand or stop any motor vehicle and trailer occupying two (2) metered spaces without depositing in each parking meter or slot meter aperture the appropriate coin or coins indicated on the parking meter or slot meter.

(Ord. C-7969 § 4, 2005; Ord. C-7043 § 2 (part), 1992: Ord. C-5712 § 2 (part), 1981: prior code § 7310.11)

10.30.121 - Special regulations—Speed limit.

No person shall operate any vehicle within a beach area parking lot or any access road thereto in excess of fifteen (15) miles per hour. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the speed limit restriction.

(Ord. C-5956 § 35, 1983)

10.30.122 - Special regulations—Parking permits.

The City Manager may adopt, amend, modify or repeal regulations concerning parking of vehicles in the Shoreline Marina parking lots pursuant to permits and shall place and maintain or cause to be placed and maintained signs giving notice of the parking restrictions in said parking lots.

(Ord. C-7969 § 5, 2005: Ord. C-5956 § 36, 1983)

10.30.123 - Special regulations—Driving in beach area parking lots.

- A. Except when a parking space is not available, no person shall repeatedly drive a motor vehicle within the beach area parking lots past a traffic control point established pursuant to this Section three (3) times within any fifteen (15) minute period. Each successive trip past the traffic control point shall constitute a separate violation of this Section, and no additional notice shall be required prior to issuance of a second or subsequent citation.
- B. Any peace officer or Marine Bureau employee designated in Section 16.08.340 may establish one (1) or more traffic control points within the beach area parking lots to enforce the provisions of this Section.
- C. "Repeatedly drive" is defined to mean the driving of a motor vehicle three (3) or more times within a fifteen (15) minute period past a traffic control point as established pursuant to this Section, when signs are posted at the entrance to the beach parking lot which state the provisions of this Section.
- D. The provisions of this Section shall not apply to:
 - 1. Any authorized vehicle as defined in California California Vehicle Code § 165;
 - 2. Any publicly owned vehicle of any City, County, district, State or federal agency;
 - 3. Any vehicle licensed for public transportation or vehicles which are normally used for business purposes and are engaged in such business use.
- E. It shall be an infraction for any person to violate this Section, and upon conviction thereof shall be subject to the payment of penalties as provided in California California Vehicle Code § 42001, and as that section may be amended.

(Ord. C-7043 § 6, 1992)

CHAPTER 10.32 - PREFERENTIAL RESIDENTIAL PARKING

10.32.010 - Purpose.

This Chapter is enacted pursuant to authority granted by California California Vehicle Code §§ 22507 and 22507.5, to alleviate serious problems in certain residential areas of the City due, in part, to the misuse of available off-street parking, the parking of motor vehicles on-streets therein by nonresidents thereof for extended periods of time, and the ignoring of public transit alternatives to automobile travel available to said nonresidents, resulting in neighborhood decline in said areas by reason of traffic congestion, noise, air pollution, traffic hazards and inability of residents therein to park their motor vehicles near their residences.

(Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.600)

10.32.020 - Designation and termination of districts.

- A. The City Traffic Engineer shall provide petition forms for preferential parking districts.
- B. Designation.
 - 1. Proceedings for designating a preferential parking district may be initiated by petition containing the signatures of at least two-thirds (2/3) of the residents of all units of occupancy fronting curbs proposed to be included in the district. The petition shall indicate and set forth the positive desire of all signators for preferential parking privileges and their willingness to assume all associated administrative and enforcement costs, by affixing their signature, printed name, and address to the petition calling for the creation of a district. The petition shall be distributed and presented to the City Council by advocates of such district's creation.
 - 2. The City Council shall set a place for a public hearing on the proposed district. The City Clerk shall mail notice of the hearing at least ten (10) days prior to the hearing to all property owners, residents and commercial occupants within the proposed district and within four hundred feet (400') of the boundaries of such district, measured from the outer edges of the rights-of-way constituting the outer district boundaries.
- C. Following the receipt of the petition, and following the public hearing, the City Council shall determine if the district is to be designated for preferential parking. That determination shall be based upon, but not limited to, substantial compliance with the following guidelines:
 - 1. High demand. More than seventy-five percent (75%) of on-street spaces are occupied during period proposed for parking restriction or prohibition. In cases where a time limit parking restriction or parking prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.
 - 2. Self-contained area. The district, alone or in combination with other existing or potential preferential parking districts, constitutes a reasonably self-contained area of parking demand and supply. The City Traffic Engineer shall make the determination of a reasonably self-contained area, utilizing boundaries such as major streets, nonresidential land uses, edges of higher or lower density residential areas, waterbodies and other natural features; and utilizing surveys of existing conditions to determine extent of area impacted by nonresident parking. The City Traffic

Engineer shall designate each such self-contained preferential parking district with a unique letter or combination of letters, which shall be the official designation of said district. The purpose of this designation process is to ensure that proposed preferential parking districts are of sufficient size as to reasonably encompass the problem area and to offer sufficient on-street parking spaces to provide reasonable opportunity for residents to obtain parking.

3. If the district is proposed solely for daytime preferential parking, the following guidelines shall apply:

Nonresidential users. More than fifty percent (50%) of vehicles parked at curbside during the period proposed for parking restriction or prohibition are owned by nonresidents of the district. In cases where a time limit parking restriction or prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.

4. Such additional criteria may be applied as the City Council may deem and identify as reasonably related to the designation of such districts.

- D. 1. The City Council may terminate a preferential parking district upon receipt of a petition calling for such termination which has been received and transmitted by the City Clerk, and contains signatures and the corresponding printed name and address representing a majority (50 percent (50%) plus one (1)) of the dwelling units in the district. The City Council may also terminate such district, without petition, based upon, but not limited to, any changes in the criteria upon which the original designation was based.
2. The City Traffic Engineer shall annually review the status of each preferential parking district formed under this Chapter 10.32, and if the City Traffic Engineer determines that a substantial number of eligible persons within the district have failed to apply for and receive preferential parking permits, the engineer may recommend termination of district designation to the City Council.

(Ord. C-7801 § 2, 2002; Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.601)

10.32.030 - Permits—Issuance.

- A. The Department of Financial Management shall issue preferential parking permits. Preferential parking permits shall be of three (3) types: Residential preferential parking permits; guest preferential parking permits; and temporary preferential parking permits. Except for guest preferential parking permits, no more than one (1) permit shall be issued for each vehicle for which application is made. Each permit issued shall reflect by statements thereon or by color thereof, or both, the particular preferential parking district for which the permit is issued and, except for guest preferential parking permits, the permit shall reflect the license number of the vehicle for which the permit is issued.
- B. Preferential parking permits may be issued only for passenger vehicles, pickup trucks, and vans, and only upon application of a person whose legal address is on a street, or portion thereof, designated as part of a preferential parking district in Section 10.32.110
- C. Preferential permits may be issued as follows:
 1. Up to three (3) residential permits may be purchased per address. For each residential permit, proof of residency and registered ownership or exclusive use and control of a vehicle shall be demonstrated in a manner determined by the Director of Financial Management. The applicant shall provide the vehicle license plate number and such additional information as the Director of Financial Management deems necessary for the proper processing of the application.

2. One (1) guest parking permit may be purchased per address. A guest parking permit may be issued to a person whose legal address is on a street, or portion thereof, designated as part of a preferential parking district in Section 10.32.110. Use of a guest permit is limited to visitors and providers of services to the applicant or the applicant's residence and is not limited to a particular vehicle. The applicant is responsible for the proper use of the guest parking permit.
3. Temporary preferential parking permits may be issued for bona fide guests of residents of a preferential parking district provided that such permits shall be valid for no more than seven (7) consecutive days.

(Ord. C-7514 § 1, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.602)

10.32.040 - Permit—Application and term.

- A. Except for temporary preferential parking permits, each preferential parking permit shall be issued by the Department of Financial Management on a calendar year basis, and each such permit shall expire at midnight (12:00 a.m.), December 31 next following its issuance. Permits may be renewed annually by mail. Each application or reapplication shall contain such information as the Director of Financial Management deems necessary for the proper processing of the application. The application shall also contain a statement to the effect that the applicant agrees that the permit applied for may not be sold or transferred in any manner, except that a guest permit may be used by various visitors and service people to the applicant's residence. The application shall also state that the sale or transfer of a permit in violation of this Chapter shall be subject to a fine in the amount of one hundred dollars (\$100.00), and that any misuse of any permit issued under this Section is grounds for revocation of the permit by the Director of Financial Management pursuant to this Chapter.
- B. An application may be submitted by either the owner of the property for which a permit is sought or the tenant of such property, but in the case of applications submitted by tenants, the owner of the property shall also be required to sign the application form.

(Ord. C-7514 § 2, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.603)

10.32.050 - Permit—Fee.

Applications for issuance of initial permits, renewal permits, transfer permits in the case of a holder of a permit in one (1) preferential parking district moving to another preferential parking district and desiring a new permit for the latter district, or a replacement permit in the case of a lost or mutilated permit, shall be filed with the Department of Financial Management and shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council. The fee charged for permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the current calendar year for which the permit would be valid. The Director of Financial Management shall not issue a replacement permit unless the Director has received satisfactory evidence that the permit being replaced has been lost or mutilated.

(Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.604)

10.32.060 - Permits—Display.

Residential parking permits shall be firmly attached to the left side of the rear bumper of the vehicle for which the permit is issued so as to be readily visible to a person approaching the vehicle from the rear thereof. Guest permits or temporary permits shall be displayed from the rear-view mirror or by such other method as directed in instructions contained on the permit itself.

(Ord. C-7514 § 3, 1997: Ord. C-6588 § 1 (part), 1989: Ord. C-5511 § 1 (part), 1979: prior code § 3410.604)

10.32.070 - Permits—Revocation or fine for misuse.

- A. The Director of Financial Management is authorized to revoke a preferential parking permit or a guest parking permit of any person found to be in violation of any of the provisions of this Chapter and, upon the written notification thereof, such person shall surrender the permit to the Director or prove its destruction or disfigurement to the Director's satisfaction. Additionally, the sale or transfer of a permit in violation of this Chapter shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00).
- B. Any person whose preferential parking permit has been revoked shall not be issued a new permit until expiration of a period of one (1) year following the date of revocation and until such person has made required application therefor and has paid the fee required for a renewal permit.

(Ord. C-7514 § 4, 1997; Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.609)

10.32.080 - Sign posting.

The City Traffic Engineer shall place and maintain or cause to be placed and maintained on each of the streets, or portions of streets, designated in Section 10.32.110, appropriate signs notifying the public that vehicles must display preferential parking permits as well as showing the applicable time limits for parking of vehicles without said permits.

(Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.606)

10.32.090 - Enforcement hours/overnight parking prohibited.

Preferential parking referenced in this Chapter shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council when designating each preferential parking district, provided that if the district is designated for overnight parking permits, the City Council shall, if it has not previously done so, thereupon adopt an ordinance providing that no vehicle shall be parked on any public street or alley within that area between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. except as permitted by this Chapter.

(Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.610)

10.32.100 - Parking privileges for permit holders.

Any passenger vehicle, pickup truck or van properly displaying valid, unrevoked preferential parking permits may be parked on any of the streets, or portions of streets, designated in Section 10.32.090 for which said permits have been issued without being limited by time restrictions on parking, other than those in effect for purposes of street sweeping or of prohibiting parking or stopping at any time or of prohibiting parking more than seventy-two (72) consecutive hours, set forth in this Title and applicable generally to parking of vehicles. Preferential parking permits shall not guarantee or reserve to the holder thereof any on-street parking space.

(Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979; prior code § 3410.607)

10.32.110 - Areas designated.

The streets, and portions of streets, enumerated in this Section are designated as preferential parking districts for the purposes of this Chapter.

District A: Linden Avenue between Bixby Road and Carson Street; Roosevelt Road between Long Beach Boulevard and the alley west of Atlantic Avenue.

District B: Ultimo Avenue between Sixth Street and Seventh Street.

District C: West side of California Avenue between Armando Drive and Roosevelt Road.

District D: Both sides of Malta Street between Gish Avenue and Park Avenue; both sides of Gish Avenue between Park Avenue and Malta Street; and both sides of Park Avenue from Pacific Coast Highway to Atherton Street.

District E: Zona Court between Fourth Street and Fifth Street.

District F: Village Road between Blackthorne Avenue and Faculty Avenue; Greenmeadow Road between Faculty Avenue and a point two hundred twenty-five feet (225') east of Village Road; Sunfield Avenue between Harvey Way and Centralia Street; Whitewood Avenue between Harvey Way and Centralia Street; Clark Avenue between Carson Street and Centralia Street; Greenbrier Road between Carson Street and Centralia Street; Heather Road between Carson Street and Centralia Street; Charlemagne Avenue between Carson Street and Centralia Street; Harvey Way between Rutgers Avenue and Pepperwood Avenue; Warwood Road between Faculty Avenue and Blackthorne Avenue; Faculty between Carson Street and Centralia Street; Graywood Avenue between Harvey Way and Centralia Street; Blackthorne Avenue between Village Road and Centralia Street; Hazelbrook Avenue between Harvey Way and Centralia Street; Pepperwood Avenue between Village Road and Centralia Street; the north side of Carson Street between the alley east of Norse Way and Faculty Avenue; and the north side of Carson Street between Clark Avenue and Charlemagne Avenue.

District G: Vuelta Grande Avenue between Snowden Avenue and Benmore Street; Benmore Street between Snowden Avenue and Vuelta Grande Avenue; Wentworth Street between Senasac Avenue and Snowden Avenue; Senasac Avenue between Belen Street and Wentworth Street; Snowden Avenue between Spring Street and the Los Cerritos Channel; the Spring Street service road between Snowden Avenue and its terminus west of Snowden Avenue and Senasac Avenue and Birkdale Street between Snowden Avenue and its terminus west of Snowden Avenue.

District H: Elm Avenue between Thirty-First Street and the San Diego Freeway.

District I: Both sides of Iroquois Avenue between Deleon Street and Rendina Street; both sides of Hackett Avenue between Anaheim Road and El Roble Street; both sides of Deleon Street from Palo Verde Avenue to the cul-de-sac; both sides of Josie Avenue between Deleon Street and Rendina Street; both sides of Espanita Street between Josie Avenue and the end of Espanita Street approximately three hundred fifty feet (350') east of Josie Avenue; both sides of El Jardin Street between Hackett Avenue and Knoxville Avenue; both sides of Mantova Street between Hackett Avenue and Knoxville Avenue; both sides of Knoxville Avenue between El Jardin Street and Mantova Street; both sides of El Roble Street between Hackett Avenue and Knoxville Avenue; the west side of Iroquois Avenue between El Roble Street and Atherton Street; the east side of Iroquois Avenue from El Roble Street to the point one hundred ten feet (110') north of El Roble Street; both sides of El Cedral Street from Iroquois Avenue to its terminus approximately two hundred feet (200') west; both sides of Rendina Street between Hackett Avenue and Knoxville Avenue; both sides of Knoxville Avenue between Rendina Street and El Roble Street; both sides of Driscoll Street from Josie Avenue to its terminus approximately three hundred fifty feet (350') east; and both sides of Bacarro Street from Josie Avenue to its terminus approximately three hundred fifty feet (350') east.

District J: Campo Walk between Riviera Walk and Campo Drive; Riviera Walk between Tivoli Drive and Garibaldi Lane; Tivoli Drive between St. Irmo Walk and Riviera Walk.

District K: Randolph Place between Virginia Road and the alley west of Long Beach Boulevard.

District L: The east side of Petaluma Avenue between Driscoll Street and Atherton Street; both sides of Studebaker Road service road west from Vuelta Grande Avenue to its terminus approximately seven hundred feet (700') south; and both sides of Almada Street from Studebaker Road service road west to its terminus approximately one hundred feet (100') west.

District M: Eighteenth Place from Ocean Boulevard south to its terminus.

District N: Greenbrier Road between the east-west alley located north of Anaheim Road and El Cedral Street; El Cedral Street between Greenbrier Road and Elmfield Avenue; El Roble Street between Greenbrier Road and El Prado Avenue; Los Flores Street between Greenbrier Road and El Prado Avenue; Vista Hermosa Street between Greenbrier Road and El Prado Avenue; and El Prado Avenue between Ramillo Avenue and the east-west alley located north of Anaheim Road.

District O: The east side of Palo Verde Avenue between the east-west alley immediately north of Atherton Street and Marita Street; both sides of Hackett Avenue between Atherton Street service road and Marita Street; both sides of Iroquois Avenue between Atherton Street service road and Marita Street; both sides of Marita Street between Palo Verde Avenue and Iroquois Avenue.

District P: Sixth Street between Silvera Avenue and a point one hundred fifty feet (150') west of Margo Avenue; Parima Street from Margo Avenue to easterly terminus; Lausinda Avenue from Parima Street to the northwest terminus; Monita Street between Margo Avenue and Peralta Avenue; Margo Avenue between Sixth Street and Vista Street; Daroca Avenue from Margo Avenue to Vista Street; Vista Street between Daroca Avenue and Palo Verde Avenue; Fifth Street between Margo Avenue and Silvera Avenue; Laurinda Avenue between Fifth Street and Vista Street; Linares Avenue between Fifth Street and Vista Street; Peralta Avenue between Monita Street and Vista Street; Silvera Avenue between Fifth Street and Vista Street; the west side of Silvera Avenue between Seventh Street and Fifth Street; Vermont Street from Silvera Avenue to the easterly terminus; Colorado Street from Silvera Avenue to the easterly terminus; Eliot Street from Silvera Avenue to the easterly terminus; Mariquita Street from Silvera Avenue to the easterly terminus; the south side of Fifth Street from Silvera Avenue to the easterly terminus.

District Q: The east side of Locust Avenue between Willow Street and Twenty-Seventh Street.

District R: Both sides of McNab Avenue between Atherton Street service road and Marita Street; both sides of Conquista Avenue between Atherton Street service road and Dayman Street; both sides of Fanwood Avenue between Atherton Street service road and Los Santos Drive; both sides of Dayman Street between Snowden Avenue and Conquista Avenue; both sides of Dayman Street between Snowden Avenue and Conquista Avenue; both sides of the Palo Verde Avenue service road between the Atherton Street service road and Marita Street; both sides of Tevis Avenue between the Atherton Street service road and Dayman Street; both sides of Snowden Avenue between the Atherton Street service road and Dayman Street; both sides of Carfax Avenue between the Atherton Street service road and Marita Street; both sides of Marita Street between Fanwood Avenue and the Palo Verde Avenue service road; both sides of Faust Avenue between Marita Street and end of the cul-de-sac; both sides of Senasac Avenue between Marita Street and end of the cul-de-sac; both sides of College Circle between the Atherton Street service

road east and the Atherton Street service road west; both sides of College Place between the Atherton Street service road and College Circle; both sides of Fairbrook Street between Snowden Avenue and Conquista Avenue; both sides of Conquista Avenue between Marita Street and Fairbrook Street; both sides of the Atherton Street service road between Fanwood Avenue and the Palo Verde Avenue service road.

District S: The south side of Pavo Street between Rutgers Avenue and Montair Avenue.

District T: Both sides of Prospect Avenue, from Tenth Street to a point three hundred feet (300') north of Tenth Street.

District U: The west side of Britton Drive between Atherton Street and Marita Street; both sides of Britton Drive between Marita Street and Los Santos Drive; both sides of Marita Street between Britton Drive and Fanwood Avenue; both sides of Lave Avenue between Atherton Street and Los Santos Drive; the east side of San Anseline Avenue between Atherton Street and Los Santos Drive.

District V: Granada Avenue between Anaheim Street and Pacific Coast Highway; both sides of Anaheim Place and Russell Drive between Pacific Coast Highway and Fourteenth Street; both sides of Park Avenue between Pacific Coast Highway and Anaheim Street; Roycroft Avenue between Anaheim Street and Fifteenth Street; south side of Fifteenth Street between Park Avenue and Roycroft Avenue; both sides of Fifteenth Street between Ximeno Avenue and Roycroft Avenue; both sides of Argonne Avenue between Anaheim Street and Pacific Coast Highway; both sides of Quincy Avenue between Anaheim Street and Fourteenth Street; and both sides of Fourteenth Street between Prospect Avenue and Pacific Coast Highway.

District W: Both sides of Umatilla Avenue between Anaheim Street and Verde Court and both sides of Verde Court between Umatilla Avenue and Termino Avenue.

District X: South side of Bixby Road between Lime Avenue and California Avenue.

District Y: West side of Bellflower Boulevard west service road from the alley two hundred forty-five feet (245') north of Spring Street to Pageantry Street; both sides of Pageantry Street from Bellflower Boulevard east service road to Marber Avenue, and east side of Bellflower Boulevard east service road from Pageantry Street to a point two hundred eighty feet (280') north of Pageantry Street.

District Z: The east side of Clark Avenue between Atherton Street and Stearns Street; both sides of Greenbrier Road between Atherton Street and Stearns Street; both sides of Bayard Street between Clark Avenue and Greenbrier Road; both sides of Garford Street between Clark Avenue and Fidler Avenue; both sides of Fidler Avenue between Greenbrier Road and Litchfield Avenue and the north side of Atherton Street between Clark Avenue and Greenbrier Road; and both sides of Calderwood Street between Greenbrier Road and Litchfield Avenue; and both sides of Litchfield Avenue between Fidler Avenue and Calderwood Street.

District AA: South side of Parkcrest Street between Marber Avenue and Albury Avenue; both sides of Marber Avenue between Parkcrest Street and Hanbury Street; both sides of San Anseline Avenue between Parkcrest Street and approximately four hundred feet (400') south of Parkcrest Street; and both sides of Albury Avenue between Parkcrest Street and Hanbury Street.

District AB: North side of Anaheim Road between Studebaker Road and El Jardin Street; both sides of Anaheim Road between El Jardin Street and Almada Street; both sides of El Jardin Street between Studebaker Road and Anaheim Road; both sides of 11th Street between Kallin Avenue and Stevely Avenue; both sides of 10th Street between Kallin Avenue and Stevely Avenue; both sides of 9th Street between Studebaker Road and Roxanne Avenue; west side of Kallin Avenue between 9th Street and a point 95 feet north of 9th Street; east side Kallin Avenue between 9th Street and Anaheim Road; both sides of Almada Street between Studebaker Road and Anaheim Road; both sides E. Studebaker Road (service road), between El Jardin Street and Deleon Street; and both sides of Mantova Street between Studebaker Road and a point 365 feet east of Studebaker Road.

(ORD-13-0009, § 1, 2013; ORD-12-0012, § 1, 2012; ORD-10-0021, § 1, 2010; ORD-10-0011, §§ 1, 2, 2010; ORD-09-0039, §§ 1—3, 2009; ORD-09-0032, § 1, 2009; ORD-07-0053 § 1, 2007; ORD-07-0052 § 1, 2007; ORD-06-0046 § 1, 2006; ORD-05-0024 § 1, 2005; ORD-05-0006 § 1, 2005; Ord. C-7970 § 1, 2005; Ord. C-7939 § 1, 2004; Ord. C-7935 §§ 1, 2, 2004; Ord. C-7907 § 1, 2004; Ord. C-7903 § 1, 2004; Ord. C-7902 § 1, 2004; Ord. C-7896 § 1, 2003; Ord. C-7890 § 1, 2003; Ord. C-7889 § 1, 2003; Ord. C-7811 § 1, 2002; Ord. C-7723 § 1, 2000; Ord. C-7710 § 1, 2000; Ord. C-7688 § 1, 2000; Ord. C-7671 §§ 2, 3, 2000; Ord. C-7657 § 1, 1999; Ord. C-7609 § 1, 1999; Ord. C-7606 § 1, 1999; Ord. C-7602 § 1, 1999; Ord. C-7587 § 1, 1999; Ord. C-7562 § 1, 1998; Ord. C-7512 § 1, 1997; Ord. C-7506 § 1, 1997; Ord. C-7486 § 1, 1997; Ord. C-7357 § 1, 1995; Ord. C-7353 § 1, 1995; Ord. C-7307 § 1, 1995; Ord. C-7244 § 1, 1994; Ord. C-7154 § 1, 1993; Ord. C-7136 § 1, 1993; Ord. C-7034 § 1, 1992; Ord. C-7029 § 1, 1992; Ord. C-7023 § 1, 1992; Ord. C-6965 § 1, 1992; Ord. C-6957 § 1, 1991; Ord. C-6943 § 1, 1991; Ord. C-6940 § 1, 1991; Ord. C-6887 § 1, 1991; Ord. C-6847 § 1, 1991; Ord. C-6815 § 1, 1990; Ord. C-6811 § 1, 1990; Ord. C-6795 § 1, 1990; Ord. C-6741 § 1, 1990; Ord. C-6703 § 1, 1990; Ord. C-6653 § 1, 1989; Ord. C-6588 § 1 (part), 1989; Ord. C-6583 § 1, 1989; Ord. C-6582 § 1, 1989; Ord. C-6577 § 1, 1989; Ord. C-6573 § 1, 1989; Ord. C-6572 § 1, 1989; Ord. C-6532 § 1, 1988; Ord. C-6529 § 1, 1988; Ord. C-6528 § 1, 1988; Ord. C-6525 § 1, 1988; Ord. C-6524 § 1, 1988; Ord. C-6482 § 1, 1988; Ord. C-6447 § 1, 1987; Ord. C-6446 § 1, 1987; Ord. C-6439 § 1, 1987; Ord. C-6438 § 1, 1987; Ord. C-6383 § 1, 1987; Ord. C-6336 § 1, 1987; Ord. C-6328 § 1, 1986; Ord. C-6280 § 1, 1986; Ord. C-5511 § 1 (part), 1979: prior code § 3410.611)

10.32.120 - Violations designated.

- A. No person shall falsely represent himself or herself as eligible for preferential parking permits or furnish false information in an application therefor to the Department of Financial Management.
- B. No person shall park or leave standing in a Preferential Parking District a motor vehicle on which is displayed a preferential parking permit which has been issued pursuant to the provisions of this Chapter for a different passenger vehicle, pickup truck, or van.
- C. No person shall copy, produce, or otherwise bring into existence a facsimile or counterfeit preferential parking permit without written authorization of the Director of Financial Management.
- D. No person shall park or leave standing in a Preferential Parking District a motor vehicle on which is displayed a facsimile or counterfeit preferential parking permit.
- E. No person whose preferential parking permit has been revoked shall refuse or fail to surrender the permit to the Director of Financial Management when requested by the Director, in writing, to do so.

(Ord. C-6588 § 1 (part), 1989; Ord. C-5511 § 1 (part), 1979: prior code § 3410.608)

10.32.150 - Rules and regulations.

The Director of Financial Management may, from time to time, promulgate rules and regulations, consistent with the purpose and provisions of this Chapter, to facilitate implementation of this Chapter, which rules and regulations may include, but need not be limited to, procedures for the application for and issuance and renewal of permits hereunder and provision for a limitation of the number of permits that may be issued per dwelling unit.

(Ord. C-6588 § 1 (part), 1989)

CHAPTER 10.33 - TEMPORARY CONSTRUCTION PREFERENTIAL PARKING DISTRICT

10.33.010 - Purpose and intent.

This Chapter is enacted pursuant to authority granted by California Vehicle Code Sections 22507 and 22507.5, to alleviate serious problems in certain residential areas of the City due to temporary construction activities which may displace normal parking patterns and lead to the parking of motor vehicles on streets by nonresidents thereof for extended periods of time, and the ignoring of public transit alternatives to automobile travel available to said nonresidents, resulting in neighborhood decline in said areas by reason of traffic congestion, noise, air pollution, traffic hazards and inability of residents therein to park their motor vehicles near their residences.

(ORD-12-0017(Emerg.), § 1, 2012)

10.33.020 - Administration.

The City Traffic Engineer is designated as administrator for the Temporary Construction Preferential Parking District. The City Traffic Engineer may adopt rules and regulations governing the issuance of parking permits and the establishment of Temporary Construction Preferential Parking Districts. Such rules and regulations shall be consistent with the provisions of California Vehicle Code Section 22507.

(ORD-12-0017(Emerg.), § 1, 2012)

10.33.030 - Designation and termination of Temporary Construction Preferential Parking Districts.

- A. Severe parking impacts, defined as more than seventy-five percent (75%) of on-street spaces occupied during the period proposed for parking restriction or prohibition, have been created in any residential area of the City of Long Beach by construction activity. In cases where a time limit parking restriction or parking prohibition is already in place, the City Traffic Engineer shall use reasonable judgment as to whether the demand criteria would likely be met without the restriction or prohibition.
- B. Construction activity must be of a duration of a minimum of two (2) weeks and a maximum of six (6) months. The duration of the Temporary Construction Preferential Parking District shall be coterminous with the duration of the construction project and its impacts, and shall be discontinued upon completion of construction and cessation of parking impacts, as determined by the City Traffic Engineer. In the event that the construction impacts are of a longer duration than six (6) months, the Temporary Construction Preferential Parking District may be renewed for two (2) additional six (6) month periods. No Temporary Construction Preferential Parking District shall have a duration of more than eighteen (18) months. If the construction activity lasts for more than eighteen (18) total months, residents must apply for a Preferential Parking District authorized by Long Beach Municipal Code Section 10.32.010 et seq., and conform with the requirements stated therein.
- C. The proposed Temporary Construction Preferential Parking District, alone or in combination with other existing or potential Preferential Parking Districts, constitutes a reasonably self-contained area of parking demand and supply. The City Traffic Engineer shall make the determination of a reasonably self-contained area, utilizing boundaries such as major streets, nonresidential land uses, edges of higher or lower density residential areas, waterbodies and other natural features, and utilizing surveys of existing conditions to determine extent of area impacted by nonresident parking. The

proposed Temporary Construction Preferential Parking District shall be of sufficient size to reasonably encompass the problem area and to offer sufficient on-street parking spaces to provide reasonable opportunity for residents to obtain parking.

(ORD-12-0017(Emerg.), § 1, 2012)

10.33.040 - Posting of signs.

Upon adoption of this ordinance, the City Traffic Engineer shall be authorized to cause appropriate signs to be erected in the Temporary Construction Preferential Parking District as designated by the City Traffic Engineer, indicating prominently thereon the time limitation, period of day for its application and conditions under which permit parking shall be exempt therefrom.

(ORD-12-0017(Emerg.), § 1, 2012)

10.33.050 - Issuance of permits.

- A. The Public Works Department, Office of the City Traffic Engineer, shall issue Temporary Construction Preferential Parking Permits. Each permit issued shall reflect by statements thereon or by color thereof, or both, the particular Temporary Construction Preferential Parking District for which the permit is issued.
- B. Temporary Construction Preferential Parking District Permits may be issued only for passenger vehicles, pickup trucks, and vans, and only upon application of a person whose legal address is on a street, or portion thereof, designated as part of a Temporary Construction Preferential Parking District.
- C. Up to three (3) Temporary Construction Preferential Parking District Permits may be issued per address. A Temporary Construction Preferential Parking District Permit may be issued to a person whose legal address is on a street, or portion thereof, designated as part of a Temporary Construction Preferential Parking District. Use of a Temporary Construction Preferential Parking District Permit is limited to residents, visitors and providers of services to the applicant or the applicant's residence and is not limited to a particular vehicle. The applicant is responsible for the proper use of the Temporary Construction Preferential Parking District Permit. Temporary Construction Preferential Parking District Permits may not be sold or transferred for monetary consideration to any third party. The sale or transfer of a permit in violation of this Chapter shall be subject to a fine in the amount of one hundred dollars (\$100.00), and any misuse of any permit issued under this Section is grounds for revocation of the permit by the City Traffic Engineer pursuant to this Chapter.
- D. An application may be submitted by either the owner of the property for which a Temporary Construction Preferential Parking District Permit is sought or the tenants of such property.
- E. Any passenger vehicle, pickup truck or van properly displaying valid, unrevoked Temporary Construction Preferential Parking District Permits may be parked on any of the streets, or portions of streets, designated as constituting the Temporary Construction Preferential Parking District for which said permits have been issued without being limited by time restrictions on parking, other than those in effect for purposes of street sweeping or of prohibiting parking or stopping at any time or of prohibiting parking more than seventy-two (72) consecutive hours, set forth in this Title and applicable generally to parking of vehicles. Temporary Construction Preferential Parking District Permits shall not guarantee or reserve to the holder thereof any on-street parking space.

(ORD-12-0017(Emerg.), § 1, 2012)

10.33.060 - Violations designated.

- A. No person shall falsely represent himself or herself as eligible for Temporary Construction Preferential Parking District Permits or furnish false information in an application therefor to the Office of the City Traffic Engineer.
- B. No person shall copy, produce, or otherwise bring into existence a facsimile or counterfeit Temporary Construction Preferential Parking District Permit without written authorization of the City Traffic Engineer.
- C. No person shall park or leave standing in a Temporary Construction Preferential Parking District a motor vehicle on which is displayed a facsimile or counterfeit Temporary Construction Preferential Parking District Permit.
- D. No person whose Temporary Construction Preferential Parking District Permit has been revoked shall refuse or fail to surrender the Temporary Construction Preferential Parking District Permit to the City Traffic Engineer when requested by the City Traffic Engineer, in writing, to do so.

(ORD-12-0017(Emerg.), § 1, 2012)

CHAPTER 10.34 - PARKING FOR HANDICAPPED PERSONS IN PUBLIC PLACES

FOOTNOTE(S):

--- (13) ---

State Law reference— Provisions on parking spaces for the handicapped, Veh. C. §§ 21458, 22507.5, 22511.7 and 22511.8.

10.34.005 - Prior designation by action of City Council.

Any parking space designated as reserved for the use of disabled persons by action of the City Council pursuant to Sections 10.34.040 (repealed) or 10.34.050 (repealed) shall be subject to and governed by this Chapter.

(Ord. C-7469 § 4, 1997)

10.34.010 - Spaces on streets—Designation.

Parking spaces for disabled persons shall be designated by blue paint on the curb or edge of the paved portion of the street adjacent to the space, and by signs or other suitable means as determined by the City Traffic Engineer. Any parking space designated for use by disabled persons may be utilized by any vehicle properly displaying the appropriate license plate or placard as described in this Chapter.

(Ord. C-7469 § 1, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.98)

10.34.015 - City Traffic Engineer authorized to designate disabled parking on public streets.

The City Traffic Engineer is authorized to designate on-street parking spaces as reserved for disabled persons and to indicate such spaces with blue paint and signs pursuant to Section 10.34.010. Such action must be preceded by a determination of need for such parking spaces and a determination that such designation will not adversely impact traffic safety. The City Traffic Engineer is further authorized to eliminate on-street parking previously designated for use by disabled persons when he or she determines that the need for such parking no longer exists.

The City Traffic Engineer shall maintain a list of all on-street parking spaces designated for use by disabled persons under this Chapter.

(Ord. C-7469 § 5, 1997)

10.34.020 - Parking for disabled persons reserved for vehicles with appropriate license plates or placards.

No vehicle which does not display either a special identification license plate issued pursuant to California Vehicle Code Section 5007 or a distinguishing placard issued pursuant to California Vehicle Code Sections 22511.55 or 22511.59 shall stop or park in any parking space designated for use by a disabled person.

(Ord. C-7469 § 2, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.98.1)

10.34.025 - Application for disabled parking designation.

- A. Any person who has been issued a special identification license plate pursuant to Vehicle Code, Section 5007 or a distinguishing placard pursuant to Vehicle Code, Sections 22511.55 or 22511.59 may apply to the City Traffic Engineer for the designation of an on-street parking space as a parking space reserved for disabled persons. Such application shall contain:
 - 1. Evidence of authorization from the California Department of Motor Vehicles of authorization to use disabled parking;
 - 2. An explanation of medical need for parking at the requested location;
 - 3. Certification by the applicant that no existing on-street or off-street parking space meets his or her parking needs;
- B. When any of the circumstances in the application change or cease to exist, the applicant shall notify the City Traffic Engineer.
- C. The City Traffic Engineer is authorized to conduct reviews of eligibility and continuing need for the disabled parking space once every two (2) years.

(ORD-09-0021, § 29, 2009; Ord. C-7469 § 6, 1997)

10.34.030 - Off-street parking spaces—Designation.

The City Traffic Engineer is authorized to designate spaces in an off-street parking facility owned or operated by the City as reserved for the exclusive use of any vehicle which displays either a special identification license plate issued pursuant to California Vehicle Code Section 5007 or a distinguishing placard issued pursuant to California Vehicle Code Sections 22511.55 or 22511.59. The designation shall be made by posting a sign adjacent to and visible from the space, and marking the space, as specified in California Vehicle Code Section 22511.8.

The City Traffic Engineer is also authorized to place at any off-street parking facility owned or operated by the City a sign not less than seventeen by twenty-two inches (17 x 22") in size with lettering not less than one inch (1") in height which clearly and conspicuously states the following: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at [address] or by telephoning the Long Beach Police Department at [telephone number]". Such sign shall be posted in accordance with the provisions of California Vehicle Code Section 22511.8.

(Ord. C-7469 § 3, 1997; Ord. C-5290 § 1 (part), 1977; prior code § 3410.99)

CHAPTER 10.36 - PARKING FOR HANDICAPPED PERSONS IN PRIVATE OFF-STREET FACILITIES

10.36.010 - Purpose.

This Chapter is enacted pursuant to authority granted by Section 21107.8 of the California Vehicle Code so as to make effective the provisions of Section 22507.8 of the California Vehicle Code so as to prohibit nonauthorized persons from parking or leaving standing a vehicle in a stall or space designated for physically handicapped persons on privately owned and maintained off-street parking facilities set forth in this Chapter.

(Ord. C-5547 § 1 (part), 1979; prior code § 3410.700)

10.36.020 - Request for designation required.

The City Council shall not find and declare that any particular privately owned and maintained off-street parking facility within the City is generally held open for use of the public for purposes of vehicle parking, pursuant to authority granted by Section 21107.8 of the California Vehicle Code, except after receipt of a prior written request therefor from the owner or operator of the off-street parking facility and holding a public hearing thereon preceded by ten (10) days' prior written notice of the hearing to the owner and operator of the off-street parking facility.

(Ord. C-5547 § 1 (part), 1979; prior code § 3410.701)

10.36.030 - Posting of notices and signs.

The owner or operator of an off-street parking facility who has requested the City Council to include the parking facility in Section 10.36.040 shall, within ten (10) days following the effective date of the ordinance that adds the parking facility to Section 10.36.040, post the notices and signs required by California Vehicle Code Sections 21107.8(b), 22507.8(a), respectively.

(Ord. C-5641 § 1, 1980; Ord. C-5547 § 1 (part), 1979; prior code § 3410.702)

10.36.040 - Facilities enumerated.

The City Council, pursuant to authority granted by Section 21107.8 of the California Vehicle Code and for purposes of having the provisions of Section 22507.8 of the California Vehicle Code apply thereto, finds and declares that the off-street parking facilities described in this Section are privately owned and maintained off-street parking facilities within the City that are generally held open for use of the public for purposes of vehicular parking: 4101 East Willow Street.

(Ord. C-5732 § 3, 1981; Ord. C-5547 § 1 (part), 1979; prior code § 3410.703)

CHAPTER 10.38 - MISCELLANEOUS DRIVING RULES

10.38.010 - Driving through funeral processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated.

(Prior code § 3410.55)

10.38.020 - Driving on sidewalks.

- A. No operator of any automobile, truck, tractor, motorcycle or power driven scooter shall drive the same within or upon any sidewalk area in the City, except at a permanent or temporary driveway.
- B. No operator of any motorized scooter shall drive the same upon any bike path on the beach or any bike path adjacent to a City marina.

(Ord. C-7924 § 1, 2004; prior code § 3410.57)

10.38.030 - Driving on new pavement.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street where a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street, or any portion thereof, is closed.

(Prior code § 3410.58)

10.38.040 - Use of Ravenna Drive Bridge by commercial vehicles prohibited.

No person shall drive or operate any commercial vehicle in, over, upon or across that portion of Ravenna Drive between a line forty-five feet (45') north of the north line of Rivo Alto Canal and a line forty-five feet (45') south of the south line of the canal, said portion constituting the Ravenna Drive Bridge over the Rivo Alto Canal and the approaches to the bridge. For the purpose of this Section, a "commercial vehicle" is defined to be a motor vehicle designed, used or maintained primarily for the transportation of property.

(Prior code § 3410.59)

10.38.050 - Limited access roadway.

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

(Prior code § 3410.60)

10.38.060 - Freeways—Designated.

Those portions of the Long Beach and Terminal Island Freeways within the City shall be deemed to be freeways. Where any such freeway is a State highway, this Title shall be inapplicable, unless the ordinance or resolution affecting the State highway has been presented to and approved in writing by the Department of Public Works.

(Prior code § 3410.61)

10.38.070 - Freeways—Use restricted.

No person shall drive or operate any bicycle, motor driven cycle or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by State law and this Chapter, nor shall any pedestrian walk across, or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Prior code § 3410.62)

10.38.080 - Walks closed to vehicles.

No operator of any motor vehicle, except a sightseeing tram operating in such public streets or ways pursuant to a permit or franchise granted by the City therefor, shall drive, stand or park such vehicle within or upon the public streets, ways or portions thereof, specified under this Section, between the hours of 11:00 a.m. and 12:00 midnight of each day; provided, however, that the crossing of such portions of such public streets or ways at regular intersections thereof, between such hours, shall not be deemed to be a violation of this Section:

- A. Seaside Way, between the easterly line of Chestnut Place and the westerly line of Cedar Walk;
- B. The Walk of a Thousand Lights;
- C. Cedar Walk.

(Ord. C-5436 § 1, 1978; Ord. C-5280 § 1, 1977; prior code § 3410.63)

10.38.090 - Streets closed to vehicles.

- A. No operator of any motor vehicle, except a sightseeing tram operating in such portion of Seaside Boulevard pursuant to a permit or franchise granted by the City therefor, shall drive, stand, or park such vehicle within or upon that portion of Seaside Boulevard between the westerly line of Magnolia Avenue and the easterly line of the Los Angeles River flood control channel.
- B. Maple Way, between Olive Avenue and Alamitos Avenue, is closed to vehicular traffic. No person shall operate any such vehicle upon such thoroughfare.
- C. California Avenue, between Bixby Road and Armando Drive, is closed to vehicular traffic Monday through Friday, between the hours of 8:00 a.m. and 7:00 p.m.
- D. Repealed.
- E. No person shall operate a motor vehicle on First Street between Pacific Avenue and Long Beach Boulevard, between the hours of 6:00 a.m. and 6:00 p.m., except for the following: (1) buses may use this portion of First Street at all times; (2) commercial vehicles specifically serving the businesses located along the south side of First Street between Pine Avenue and the Promenade North may traverse that portion of First Street between Pine Avenue and Long Beach Boulevard between the hours of 6:00 p.m. to 6:00 a.m. and between the hours of 9:00 a.m. to 4:00 p.m.; and (3) any vehicle may drive upon the portion of First Street between Pacific Avenue and Pine Avenue when to do so is necessary to gain access to any private property vehicularly accessible only from that portion of First Street.
- F. No person shall operate a motor vehicle on the Promenade North and the Promenade South between Seaside Way and Third Street, with the following exceptions:
 - 1. Vehicles of three (3) axles or less may traverse and stop upon such right-of-way between the hours of 10:00 p.m. and 9:00 a.m. for the purpose of undertaking commercial loading or unloading activities.

2. Passenger carrying tram vehicles operated by the Long Beach Public Transportation Company may operate upon such right-of-way at any time.
- G. First Street and Second Street between Cherry Avenue and Junipero Avenue is closed to through vehicular traffic between the hours of 10:00 p.m. and 5:00 a.m.

(ORD-07-0059 § 1, 2007; Ord. C-7816 § 1, 2002; Ord. C-6636 § 1, 1989; Ord. C-6592 § 1, 1989; Ord. C-6543 § 1, 1988; Ord. C-6372 § 1, 1987; Ord. C-6337 § 1, 1987; Ord. C-6190 § 1, 1985; Ord. C-6074 § 1, 1984; Ord. C-5942 § 1, 1983; Ord. C-5809 § 1, 1982; Ord. C-5782 § 2, 1981; prior code § 3410.64)

10.38.100 - Seasonal street closures.

- A. It is found and determined that the public safety and general welfare require the closing to vehicular traffic of those portions of the public streets in the City enumerated in this Section, and such portions of said public streets are ordered closed each day between the hours of 9:00 a.m. and 5:00 p.m. during Easter vacation week and the periods between June 15 and September 15 of each year. The portions of the streets in the City which are so required to be closed to vehicular traffic as aforesaid are described as follows:
 1. Bay Shore Avenue, between a line one hundred ten feet (110') south of the south line of Second Street and southwest line of Fifty-Fourth Place;
 2. Fifty-Fourth Place, between the east line of Bay Shore Avenue and the prolongation of the north line east of the first alley north of Ocean Boulevard;
 3. Division Street, between the west line of Bay Shore Avenue and a line eighty feet (80') west of said west line;
 4. First Street, between the west line of Bay Shore Avenue and a line eighty feet (80') west of said west line.
- B. No person, between the hours of 9:00 a.m. and 5:00 p.m. of any day during Easter week and between June 15th and September 15th of each year, shall drive, park or stand any motor vehicle in or upon those portions of the public streets enumerated in Subsection A of this Section.
- C. The Chief of Police is authorized, and, as to those signs or barricades required under this Section it shall be his duty, to place and maintain, or cause to be placed and maintained, necessary signs and barricades to close the streets set forth in this Section.

(Prior code § 3410.65)

10.38.110 - Commercial vehicle parking on residential streets designated as truck routes.

No commercial vehicle exceeding a maximum gross weight of ten thousand (10,000) pounds shall park on any residential street which has been designated as a truck route when appropriate signs have been erected by the City Traffic Engineer giving notice thereof. The provisions of this Section shall have no application to a State highway or while such commercial vehicle is making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure on such restricted streets.

(Ord. C-6433 § 1, 1987; Ord. C-6246 § 1, 1986; prior code § 3410.66)

10.38.111 - Commercial vehicle parking on State highways located in residential areas.

No commercial vehicle exceeding a maximum gross weight of ten thousand (10,000) pounds shall park on any State highway abutted by residential land uses and which has been designated as a truck route when appropriate signs giving notice thereof and the hours of applicability of such prohibition have been erected by the City Traffic Engineer. The provisions of this Section shall have no application while

such commercial vehicle is making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such State highways, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure on such State highways. If the California Department of Transportation withdraws its approval of this Section by written notice, this Section shall be inoperative six (6) months after receipt of that notice by the City Council.

(Ord. C-6722 § 1, 1990)

10.38.120 - Use of Queen's Way Bridge restricted.

No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle which is not drawn by a motor vehicle, on Queen's Way Bridge and its approaches.

(Prior code § 3410.67)

10.38.130 - Exclusive bus lanes.

No person shall operate a motor vehicle, other than a bus, within the areas and during the times specified by this Section, provided that signs or other official traffic-control devices are placed and maintained giving notice thereof; except that other vehicles may be operated in such areas while lawfully executing right turn movements therein or for the purpose of entering or leaving lawfully established parking spaces or loading zones therein:

- A. The right-hand lane for southbound traffic on Long Beach Boulevard between First Street and Seventh Street, at all times;
- B. The right-hand lane for northbound traffic on Pine Avenue between First Street and a point two hundred fifty feet (250') south of the south curb of Sixth Street, at all times.

(Ord. C-5782 § 1, 1981; prior code § 3410.68)

10.38.140 - Off-street parking—Exemption from parking fee.

A driver of a vehicle displaying veteran's license plates, as defined in Subsection 10.28.010.G, may park free of charge at any lot owned or operated by the City, subject to restrictions imposed by the State of California.

(ORD-07-0003 § 3, 2007)

CHAPTER 10.40 - TRUCK ROUTES

10.40.010 - Establishment.

- A. Whenever any provision of this Title designates and describes any street or portion thereof as a truck route, the Traffic Engineer is authorized to designate such street or streets by appropriate signs.
- B. When any such truck route or routes are established and designated by appropriate signs, no operator of a commercial vehicle, as defined in California Vehicle Code Section 260, Subd. (a), exceeding a maximum unladen weight, as that term is defined in California Vehicle Code Sections 660 and 661, of three (3) tons shall operate or park, and no vehicle for hire or advertised for hire shall park, along any other route or routes. This Section shall not apply to pickup trucks as that term is defined in California Vehicle Code Section 471. Nothing in this Section shall prohibit such vehicle from coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets, or the immediate loading and unloading of passengers, or from parking in designated areas such as taxi zones or bus zones, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets.
- C. The provisions of this Section shall not apply to passenger buses under the jurisdiction of the public utilities commission; or any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility; or trucks used for the transportation of explosives.
- D. Those streets and portions of streets described in Section 10.40.030 are declared to be truck routes for the movement of commercial vehicles exceeding a maximum gross weight of three (3) tons.

(ORD-09-0006, § 1, 2009; ORD-07-0042 § 1, 2007; prior code § 3410.116)

10.40.020 - Truck routes for transportation of explosives.

In accordance with the provisions of Section 31614 of the California Vehicle Code, no person shall operate any vehicle transporting explosives over any roadway in the City other than those designated by the Traffic Engineer or those for which a special permit has been approved by the Chief of the Fire Department of the City.

(Prior code § 3410.118)

10.40.030 - Enumerated.

- A. For the purpose of Section 10.40.010, the following streets, and portions of streets, are truck routes:
 - 1. Anaheim Street, from the west City limits to the Long Beach Freeway;
 - 2. Bellflower Boulevard, from Pacific Coast Highway to the north City limits at Del Amo Boulevard;
 - 3. Carson Street, from Cherry Avenue to the San Gabriel River, excluding those portions outside the City;
 - 4. Cherry Avenue, from the north City limits to the northerly boundary of the City of Signal Hill, and from the southerly boundary of the City of Signal Hill to Pacific Coast Highway;
 - 5. Lakewood Boulevard, from the north City limits to Los Alamitos Traffic Circle;

6. Long Beach Boulevard, from the north City limits to Ocean Boulevard;
7. Ninth Street, from its westerly terminus to Long Beach Freeway;
8. Norwalk Boulevard, from the north City limits to the south City limits;
9. Pacific Coast Highway, from the west City limits to the east City limits;
10. Paramount Boulevard, from the north City limits to South Street;
11. Santa Fe Avenue, from the Pacific Coast Highway to Ninth Street;
12. Seaside Boulevard, from the west City limits to Ocean Boulevard;
13. Seventh Street from Pacific Coast Highway to the east City limits;
14. South Street, from Cherry Avenue to the east City limits;
15. Spring Street, from Long Beach Boulevard to the westerly boundary of the City of Signal Hill, and from the easterly boundary of the City of Signal Hill to the east City limits;
16. Willow Street, from the west City limits to the Terminal Island Freeway, and from the Long Beach Freeway to the I-405 Freeway;
17. Those roads within the Harbor District specified in Resolution No. HD-946 of the Board of Harbor Commissioners.

(Ord. C-7037 § 1, 1992; Ord. C-6527 § 1, 1988; Ord. C-5822 §§ 1, 2, 1982; Ord. C-5806 § 1, 1982; Ord. C-5748 § 2, 1981; Ord. C-5638 § 2 (part), 1980; Ord. C-5546 § 2, 1979; Ord. C-5519 § 1, 1979; Ord. C-5359 § 1, 1977; Ord. C-5268 § 1 (part), 1976; prior code § 3410.125)

CHAPTER 10.41 - USE OF STREETS BY OVERWEIGHT VEHICLES

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. C-7177 § 1 (part), 1994; Ord. C-7442 §§ 1, 2, 3, 4, 5, 6, 1996.

10.41.010 - Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- A. "Designated streets" means those City streets or portions thereof (including streets or portions thereof within the Harbor District) that have been designated by the City Council and the Board of Harbor Commissioners (for streets within the Harbor District) by resolution as being open to travel by overweight vehicles pursuant to a special permit issued under the provisions of this Chapter.
- B. "Director" means the Director of Public Works of the City of Long Beach, or his designee.
- C. "Harbor District" means that portion of the City bounded on the north by Anaheim Street, on the east by the Los Angeles Flood Control Channel, on the south by the southerly limits of the City and on the west by the westerly limits of the City.
- D. "Overweight vehicle" means a vehicle or combination of vehicles or various intermodal shipping equipment containing cargo of a nature which can be physically separated without affecting the cargo, the weight of which exceeds the maximum allowed by the California Vehicle Code. Ocean shipping equipment under the seal of United States Customs shall not be subject to the provisions of this Chapter.
- E. "Person" means any natural person, firm, association, organization, partnership, corporation, public corporation, political subdivision or any department or agency thereof.
- F. "Residential street" means a public or private right-of-way or portion thereof providing access to one (1) or more dwellings (as defined in Section 21.15.900 of this Code)
- G. "Year" means calendar year commencing January 1 and ending the following December 31.
- H. "Intermodal" means a type of international freight system that permits trans-shipping among sea, highway, rail, and air modes of transportation.
- I. "Flatrack" means a portable, open-topped, open-sided unit that fits into existing intermodal container cells and provides the capability for container ships to carry oversized cargo.

(ORD-10-0025, § 1, 2010; Ord. C-7850 § 1, 2003)

10.41.020 - Special permit required.

No person shall operate or move an overweight vehicle upon City streets (including streets within the Harbor District) except pursuant to a special permit issued under the provisions of this Chapter. A special permit shall be required for each overweight vehicle to be moved or operated on City streets.

(Ord. C-7850 § 1, 2003)

10.41.030 - Designated streets.

A special permit will be issued for operation or movement of an overweight vehicle only upon streets and highways designated by the City Council and the Board of Harbor Commissioners (for streets within the Harbor District) by resolution. The Board of Harbor Commissioners may impose special conditions regarding the use of streets and highways within the Harbor District by an overweight vehicle when designating a street and highway within the Harbor District pursuant to this Section or at any time thereafter the Board of Harbor Commissioners shall determine that special conditions are necessary to assure against undue damage to road foundations, surfaces, bridges or other structures.

(Ord. C-7850 § 1, 2003)

10.41.040 - Authority to issue special permit.

The Director or his designee is authorized to issue special permits under this Chapter for either a single movement or on a yearly basis for continuous operations. Every permit issued for continuous operations shall expire on December 31 of the year for which issued. The Director may issue or withhold a special permit in his or her discretion or may issue a special permit conditioned upon any or all of the following:

- A. The number of trips authorized.
- B. Seasonal or other time limitations within which the overweight vehicle may be operated on the designated streets.
- C. An undertaking or other security as may be deemed necessary to protect the City's streets and bridges from damage.
- D. Required proof of financial responsibility in an amount required for compliance with California Vehicle Code Section 16500.5.
- E. Such conditions of operation of the overweight vehicle as may be necessary to assure against undue damage to the road foundations, surfaces, bridges or other structures.
- F. Potential negative safety or environmental impacts in the opinion of the City Traffic Engineer, Fire Marshall, or the Chief of Police.

(ORD-10-0025, § 2, 2010; Ord. C-7850 § 1, 2003)

10.41.050 - Application required.

A special permit will be issued only upon receipt of a signed and verified application describing the vehicle and load, including weight, and stating whether the special permit is requested for a single trip or for continuous operations. Each application shall be accompanied with a fee as determined by the Director and approved by the City Council.

(Ord. C-7850 § 1, 2003)

10.41.060 - Special permit conditions.

Every special permit issued pursuant to this Chapter shall provide the following:

- A. The maximum allowable gross combined vehicle weight to be permitted may not exceed the maximum allowed by the California Vehicle Code with appropriate equipment.
- B. Special permits shall be issued for the movement of intermodal shipping equipment only.
- C.

Each person to whom a special permit is issued shall agree to defend and indemnify City, its boards, officers and employees from any and all damages, costs and expenses sustained or incurred by City, its boards, officers and employees resulting from or arising out of the issuance of a special permit and the use of City streets whether designated or nondesignated. Each such person shall further agree to be responsible for all injuries or death of persons and for all damages to property of every kind caused by or resulting from or arising out of this issuance of a special permit and the use of City streets, whether designated or nondesignated.

- D. No detour from a permitted route may be made without prior permission of the Director or his designee. No route (whether permitted or detour) shall be on residential streets. Nothing contained in this Chapter shall prohibit an overweight vehicle for which a special permit has been issued from operating or moving upon a nondesignated street to a designated street by the most direct route when necessary for the purpose of picking up or delivering an ocean shipping container.
- E. Every overweight vehicle permitted under this Chapter and each special permit issued pursuant hereto shall be subject to inspection by the Director or his designee and any peace officer at any time it is on a City street within the limits of the City for the purpose of determining compliance with the provisions of the special permit.
- F. As a condition precedent to the issuance of a special permit, the applicant shall furnish the Director evidence that each driver of an overweight vehicle shall have completed training in the operation of an overweight vehicle.
- G. The person to whom a special permit is issued shall furnish evidence satisfactory to the Director that the overweight vehicle has undergone a safety inspection by a governmental agency having jurisdiction within ninety (90) days preceding the issuance of the special permit and at least once each ninety (90) days during the permit period.
- H. Each person to whom a special permit is issued shall at all times comply with all laws, ordinances, rules and regulations of all federal, State and local governmental authorities having jurisdiction over the operation and maintenance of the overweight vehicle.

(ORD-10-0025, § 3, 2010; Ord. C-7850 § 1, 2003)

10.41.070 - Revocation of permit.

The Director shall revoke all continuous operation special permits issued to a person, if the person, his employee or agent shall violate any two (2) special permit conditions or violate the same special permit condition on two (2) occasions within any ninety (90) day period. No special permit shall be issued to a person whose special permit has been revoked pursuant to this Section for ninety (90) days following such revocation. Nothing contained in this Chapter shall be deemed or construed as limiting the power of a peace officer to issue a citation for or otherwise enforce violations of law with respect to operation of an overweight vehicle upon designated City streets upon discovery of a violation of a condition of a special permit.

(Ord. C-7850 § 1, 2003)

10.41.080 - Rules and regulations.

The Director or his designee may adopt, repeal, amend and modify administrative regulations implementing the provisions of this Chapter, including, but not limited to, operating requirements, trailer requirements, driver requirements, and any other matter deemed necessary for the effective administration of this Chapter.

(ORD-10-0025, § 4, 2010; Ord. C-7850 § 1, 2003)

10.41.090 - Display and special permit.

No overweight vehicle shall be operated or moved upon designated streets without displaying a placard approved by the Director identifying the overweight vehicle as one for which a special permit has been issued pursuant to this Chapter. A copy of the special permit shall at all times be kept in the overweight vehicle and shall be presented to any peace officer upon demand.

(Ord. C-7850 § 1, 2003)

10.41.100 - Other permits.

A special permit issued pursuant to this Chapter shall be in addition to and obtained prior to applying for any other permit which may be required by law for the operation or movement of an overweight vehicle upon public streets.

(Ord. C-7850 § 1, 2003)

CHAPTER 10.42 - DRIVING ON FLOOD CONTROL STRUCTURES

10.42.010 - Driving on flood control structures prohibited.

No person shall drive or permit to be driven any motor vehicle into or upon any levee, flood control channel or other right-of-way within the City which is owned, operated or under the control of either the Los Angeles County Flood Control District or the Corps of Engineers of the United States Army.

(Prior code § 3410.6(a))

10.42.020 - Exemption.

This Chapter shall not apply to the vehicles owned or in the service of the Corps of Engineers of the United States Army, the County Flood Control District or those of any duly constituted law enforcement agency. Further, it shall not apply to any vehicle operated under specific written authorization of the Corps of Engineers of the United States Army, the County Flood Control District or the City.

(Prior code § 3410.6(b))

10.42.030 - Highways excluded.

This Chapter shall not apply to the driving or operating of a motor vehicle on the main traveled portion of any public highway.

(Prior code § 3410.6(c))

CHAPTER 10.44 - WHITE CANES

FOOTNOTE(S):

--- (15) ---

State Law reference— Provisions on the use of white canes, Veh. C. § 21963 et seq.

10.44.010 - Use restricted.

No person, except persons wholly or partially blind, shall carry or use on the public streets of the City any canes or walking sticks which are white in color, or white with red end or bottom. Such canes or walking sticks may be used on the streets and other public places of the City by persons wholly or partially blind as a means of protecting them and for the purpose of identifying them by drivers of vehicles, operators of motor driven vehicles and other pedestrians with whom they come in contact on such streets and public places.

(Prior code § 3460)

10.44.020 - Duties of drivers and pedestrians.

Any driver of a vehicle, operator of a motor driven vehicle, or pedestrian who is not wholly or partially blind who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color, or white with red end, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying a white cane or walking stick.

(Prior code § 3460.1)

CHAPTER 10.46 - ABANDONED VEHICLES

FOOTNOTE(S):

--- (16) ---

State Law reference— Provisions on local ordinances on abandoned vehicles, Veh. C. § 22660.

10.46.010 - Declared nuisance.

In addition to and in accordance with the determination made and the authority granted by the State under Section 22660 of the California Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, not including highways, except as expressly permitted in this Chapter, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

(Prior code § 3410.300)

10.46.020 - Definitions.

The following words and phrases, when used in this Chapter, shall for the purpose of this Chapter have the meanings respectively ascribed to them in this Chapter, as follows:

- A. "Highway" means away or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- C. "Owner of the vehicle" means the last registered owner and legal owner of record.
- D. "Public property" does not include "highway".
- E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Prior code § 3410.301)

10.46.030 - Exemptions.

This Chapter shall not apply to:

- A.

A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or private property; or

- B. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the California Vehicle Code and this Chapter.

(Prior code § 3410.302)

10.46.040 - Regulations nonexclusive.

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State or any other legal entity or agency having jurisdiction.

(Prior code § 3410.303)

10.46.050 - Administration and enforcement.

Except as otherwise provided in this Chapter, the provisions of this Chapter may be administered and enforced by the Building Official, the Director of Public Works or any other City official designated by the City Manager. In the enforcement of this Chapter, such official and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

(Ord. C-6114 § 1 (part), 1984; prior code § 3410.304)

10.46.060 - Towing contractor authority.

When the City has contracted with or granted a franchise for vehicle towing services, such person or persons shall be authorized under direction of the designated official to enter upon private or public property and remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

(Ord. C-6114 § 1, (part), 1984; prior code § 3410.305)

10.46.070 - Removal—Required.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property within the City, the designated official shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this Chapter.

(Ord. C-6114 § 1 (part), 1984; prior code § 3410.306)

10.46.080 - Removal—Notice to property and vehicle owner.

A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be posted on the vehicle or property mailed by certified mail to the owner of the land as shown on the latest equalized assessment roll and mailed by certified mail to the owner of the vehicle,

unless the vehicle is in such condition that identification numbers are not available to determine ownership. If the owner of the property, vehicle or parts thereof is not of record, posting the vehicle or property shall suffice. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR
INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the latest equalized assessment roll of the land located at (address), you are notified that the undersigned, pursuant to Chapter 10.46 of the Long Beach Municipal Code, has determined that there exists upon this land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Chapter 10.46 of the Long Beach Municipal Code.

You are notified to abate this nuisance by the removal of this vehicle (or parts of a vehicle) within ten (10) days from the date of mailing of this notice. If you fail to do so, the vehicle will be removed by the City of Long Beach with the costs becoming a lien upon your property.

As owner of the land on which this vehicle (or parts of a vehicle) is located, you are notified that you may, within ten (10) days after the date of mailing of this Notice of Intention, request a public hearing. If such a request is not received by the designated official within such ten (10) day period, the designated official shall have the authority to abate and remove the vehicle (or parts of a vehicle) as a public nuisance without a public hearing. You may appear in person at any hearing requested by you or the owner of the vehicle, or, in lieu of appearing, may present a sworn written statement, provided it is received in time for consideration at the hearing, setting forth the reasons why the nuisance should not be abated by removal of the vehicle.

Notice Mailed:	____/____	
	Date	Signature— Designated Official

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR
INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle-notice should be given to both if different)

As the last registered (and/or legal) owner of record of (description of vehicle-make, license, etc.), you are notified that the undersigned pursuant to Chapter 10.46 of the Long Beach Municipal Code has determined that the vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (described location on public or private property) and constitutes a public nuisance pursuant to the provisions of Chapter 10.46 of the Long Beach Municipal Code.

You are notified to abate the nuisance by the removal of this vehicle (or parts of a vehicle) within ten (10) days from the date of mailing of this notice.

As registered (and/or legal) owner of record of this vehicle (or parts of a vehicle), you are notified that you may, within ten (10) days after the date of mailing of this Notice of Intention, request a public hearing. If such a request is not received by the designated official within such ten (10) day period, the designated official shall have the authority to abate and remove or cause the removal of the vehicle (or parts of a vehicle) as a public nuisance without a hearing.

Notice Mailed:	____/____	
	Date	Signature— Designated Official

(Ord. C-6606 § 1, 1989; Ord. C-6114 § 1 (part), 1984; prior code § 3410.307)

10.46.090 - Removal—Hearing.

- A. Upon a timely request by the owner of the vehicle or owner of the land, a public hearing shall be held by the Board of Examiners, Appeals and Condemnation on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle. The designated official shall mail a notice of the hearing by certified mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.
- B. If such a request for hearing is not received within said ten (10) days after the date of mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove or cause the removal of the vehicle or parts thereof as a public nuisance without holding a public hearing.
- C. All hearings under this Chapter shall be held before the Board of Examiners, Appeals and Condemnation which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private or public property. The Board shall not be limited by the technical rules of evidence. The owner of the land and the owner of the vehicle may appear in person at the hearing or submit a sworn written statement in time for consideration at the hearing on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle.
- D. The Board of Examiners, Appeals and Condemnation may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Chapter. It may delay the time for removal of the vehicle or parts thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Board of Examiners, Appeals and Condemnation may find that a vehicle or parts thereof have been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this Chapter. The order requiring removal shall

include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available, at the site. The decision of the Board of Examiners, Appeals and Condemnation shall be final.

- E. If the owner of the land or the vehicle does not appear at the hearing, or if an interested party makes a written presentation to the Board but does not appear, he shall be notified in writing of the decision.

(Ord. C-7098 § 10, 1993; Ord. C-6114 § 1 (part), 1984; prior code § 3410.308)

10.46.100 - Removal—Authorized when.

Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five (5) days from the date of mailing of notice of the decision, if such notice is required by this Chapter, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

(Prior code § 3410.309)

10.46.110 - Removal—Notice to State.

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Prior code § 3410.310)

10.46.120 - City removal—Authorized.

If any owner served with a notice to remove a vehicle fails to remove the vehicle from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, he shall be deemed to have consented to such removal by the Building Official who shall then be authorized, and it shall be his duty, to enter upon the lot involved and remove the vehicle.

(Ord. C-6606 § 2 (part), 1989)

10.46.121 - Owner's responsibility for enforcement costs.

If any owner served with a notice to remove a vehicle fails to remove the vehicle from his lot within the time stated in the notice, or order of the Board of Examiners, Appeals and Condemnation after appeal, all incidental enforcement costs incurred by the City in connection therewith shall be charged to and become an indebtedness of the owner of the land as well as a lien upon the affected property whether or not the vehicle is later removed by the City, the owner or by others, except as provided below. "Incidental enforcement costs" include, but are not limited to, the actual expenses and costs of the City in investigating the property, obtaining title information, preparing notices, and performing inspections. Incidental enforcement costs shall not be charged to, nor become an indebtedness of, a property owner who is head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 18, 1993)

10.46.130 - City removal of vehicle—Levy computation.

The Building Official shall, after completing the removal of a vehicle from any lot or whenever the work was accomplished by the owner after the established deadline, compute all expenses so incurred by the City in connection with the removal, including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs. All expenses shall be charged to and become an indebtedness of the owner of such premises, except that incidental enforcement costs shall not be included in the levy for a property owned by a head of a low-income household (defined to be a household earning less than eighty percent (80%) of the County median income).

(Ord. C-7098 § 11, 1993; Ord. C-6606 § 2 (part), 1989)

10.46.140 - City removal of vehicle—Payment notice.

Upon computing the expenses, the Building Official shall serve upon the owner of the property, as determined from the current assessment roll, and in the same manner as provided for service of the notice to remove vehicle, a notice to pay vehicle removal levy (sometimes referred to in this Chapter as notice to pay), which notice shall be in substantially the following form:

NOTICE TO PAY VEHICLE REMOVAL
LEVY

In accordance with the provisions of Chapter 10.46 of the Long Beach Municipal Code, the Building Official has caused the abandoned, wrecked, dismantled or inoperative vehicle registered to _____ and having license number _____ located on property at _____

(legal)

AKA _____
(address)

To be removed at City expense.

You are notified that the total costs of _____ are now due and payable to the City of Long Beach.

Section 10.46.150 of the Long Beach Municipal Code provides, in part, that the property owner or any person having an interest in the matter may demand a hearing within fifteen (15) days of this notice before the Board of Examiners, Appeals, and Condemnation on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, the name, address and interest of the applicant.

If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for that amount, plus a fee for preparation of the lien shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred if that payment is not received before the end of the fiscal year (June 30th) and transfer of collection to the Tax Collector becomes necessary.

(Ord. C-6606 § 2 (part), 1989)

10.46.150 - Hearing on charges.

- A. Within fifteen (15) days from the date of the notice to pay, the property owner, or any person having an interest in the matter may demand a hearing on the reasonableness of such charges. The demand shall be in writing and filed with the Building Official. It shall describe the property involved, the reasons for objecting, and the address of the applicant for service of notices in connection with such hearing.
- B. The Building Official shall set a date for hearing such protest by the Board of Examiners, Appeals, and Condemnation within a reasonable time. The Building Official shall send written notice of such hearing to the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing it in the United States mail, postage prepaid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears on the roll, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by affidavit of the person making the service, and the affidavit shall be sufficient for all purposes.
- C. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final.
- D. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.

(Ord. C-6606 § 2 (part), 1989)

10.46.160 - Interest on charges.

If the amount of the charges as determined by the Board of Examiners, Appeals, and Condemnation has not been paid within thirty (30) days of its decision, the payment shall become delinquent and a lien against the real property, and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded on the reasonableness of the charges, the payment shall become delinquent and a lien against the real property thirty (30) days after the notice of the charge for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.

(Ord. C-6606 § 2 (part), 1989)

10.46.170 - Transfer of collection.

The Building Official shall certify a list of all delinquent charges for vehicle removal or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date to July 1st of the year shall be set forth opposite the description by the City Treasurer.

(Ord. C-6606 § 2 (part), 1989)

10.46.180 - Method of collection.

Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes

appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.

(Ord. C-6606 § 2 (part), 1989)

10.46.190 - Tax—Sold property.

Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.

(Ord. C-6606 § 2 (part), 1989)

10.46.200 - Tax—Sold property—Redemptions.

No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot cleaning, vehicle removal, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.

(Ord. C-6606 § 2 (part), 1989)

10.46.210 - Error correction—Assessment cancellation.

- A. The Building Official may, prior to certifying any unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.
- B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot cleaning, vehicle removal, correction of substandard conditions or nuisance abatement, or penalty, or any portion of such charges or penalty appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessment.

(Ord. C-6606 § 2 (part), 1989)

CHAPTER 10.48 - BICYCLES

FOOTNOTE(S):

--- (17) ---

State Law reference— Provisions on bicycles, Veh. C. § 21200 et seq.

10.48.010 - Bicycle defined.

A bicycle is every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is twenty inches (20") or more in diameter.

(Prior code § 3410.200)

10.48.020 - Traffic laws applicable.

Every person riding a bicycle upon a roadway or sidewalk shall be subject to the provisions of this Title applicable to the driver of a vehicle, except as to provisions which by their nature can have no application, and such person shall also comply with the special bicycle regulations contained in the Chapter.

(Prior code § 3410.201)

10.48.030 - Emerging from alley, driveway or building.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Prior code § 3410.202)

10.48.040 - Riding in a group.

Persons operating bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(Prior code § 3410.203)

10.48.050 - Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

(Prior code § 3410.204)

10.48.060 - Path use.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Prior code § 3410.205)

10.48.070 - Riding on sidewalks.

- A. No person shall ride a bicycle upon a sidewalk within any business district; upon the sidewalks of bridges; in pedestrian underpasses; on pedestrian overpasses; upon sidewalks adjacent to any school building, church, recreation center, playground, or senior citizens' residential development; within the area south of Ocean Boulevard between the Long Beach Museum of Art on the west and Bluff Park on the east; on the northerly side of the Downtown Marina mole which directly abuts said marina, between Gangway A and Gangway P.
- B. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian, and when overtaking and passing a pedestrian, shall give an audible signal and shall pass to the left of the pedestrian only under conditions permitting such movement in safety.
- C. The speed limit for bicycles on a sidewalk is fifteen (15) miles per hour unless otherwise posted. The speed limit where pedestrians are present is five (5) miles per hour. Signs specifying the speed limit shall be placed by the Traffic Engineer in locations which will provide notice to significant concentrations of sidewalk bicycle riders or where bicycle speed problems are found to exist on sidewalks.
- D. For purposes of this Section, the following public ways shall be considered sidewalks:
 - 1. Seaside Walk south of Ocean Boulevard between Fifty-fifth Place and Sixty-ninth Place, known as the Boardwalk;
 - 2. Bay Shore Walk north of Ocean Boulevard between Fifty-Fifth Place and Sixty-Ninth Place.
- E. This Section shall not apply to a bicycle operated by any officer employed by the City while acting within the course and scope of his or her employment, having peace officer powers pursuant to Penal Code Section 830 or are employed in positions as provided under Sections 16.16.080, 16.08.340 and 16.08.341 of the Long Beach Municipal Code.

(Ord. C-7453 § 1, 1997; Ord. C-7210 § 1, 1994; Ord. C-7204 § 1, 1994; Ord. C-7084 § 1, 1993; Ord. C-6883 § 1, 1991; Ord. C-6322 § 1, 1986; Ord. C-5911 § 1, 1982; Ord. C-5678 § 1, 1981; prior code § 3410.206)

10.48.080 - Signaling device required.

No person shall operate a bicycle upon a sidewalk unless it is equipped with a bell, horn or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(Ord. C-6322 § 2, 1986)

10.48.090 - Penalty.

Violation of any provision of this Chapter is an infraction punishable by a fine not to exceed one hundred dollars (\$100.00).

(Ord. C-6322 § 3, 1986)

10.48.100 - Signs.

Whenever any provision of this Chapter prohibits the riding of bicycles, the Traffic Engineer shall have the authority to erect and maintain signs giving notice thereof in the area where such prohibition is in effect.

(Ord. C-6883 § 2, 1991)

10.48.110 - Prohibited areas.

No person other than law enforcement officers shall ride a bicycle within the Civic Center Plaza or within Lincoln Park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway.

(Ord. C-7281 § 3, 1994)

CHAPTER 10.50 - BICYCLE REGISTRATION

FOOTNOTE(S):

--- (18) ---

Editor's note— ORD-11-0007, § 1, adopted Feb. 15, 2011, amended Ch. 10.50, in its entirety to read as herein set out. Former Ch. 10.50, §§ 10.50.010—10.50.110, was entitled "Bicycle Registration", and derived from: Prior Code, §§ 6100.230—6100.240; ORD-06-0039, § 3, 2006; and ORD-10-0014, §§ 17, 18, 2010.

State Law reference— Provisions on the regulation of bicycles by local authorities, Veh. C. § 21206.

10.50.010 - Definitions.

"Bicycle" means and includes any device upon which a person may ride which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty inches (20") in diameter and a frame size of at least fourteen inches (14").

(ORD-11-0007, § 1, 2011)

10.50.020 - Destruction or alteration prohibited.

No person shall willfully or maliciously remove, destroy, mutilate or alter the serial number on any bicycle, except in the event that the bicycle is dismantled and no longer operated upon any streets in this City; provided, however, that nothing in this Section shall prohibit the Police or Fire Chief from numbering frames or bicycles on which no serial number is legible or which serial number is insufficient for identification purposes.

(ORD-11-0007, § 1, 2011)

10.50.030 - Dealer reports.

Every person engaged in the business of buying, trading or selling secondhand bicycles shall daily make a written report to the Chief of Police, upon forms provided for that purpose by the Police Department, of every bicycle purchased, traded or sold by such dealer during the past twenty-four (24) hours, giving the name and address of the person from whom purchased or traded, or to whom sold, a description of such bicycle by name and make, and the frame number thereof.

(ORD-11-0007, § 1, 2011)

10.50.040 - Enforcement.

The Chief of Police and his or her representatives and the licensing agency are granted all authority to enforce and carry out the provisions of this Chapter pursuant to the provisions included in the California Vehicle Code and all other laws of the State.

(ORD-11-0007, § 1, 2011)

CHAPTER 10.52 - ROLLERSKATING

10.52.010 - Definitions.

"Roller skate" or "rollerskating" means the propelling by human power or by force of gravity of a device worn upon the feet or shoes and having wheels attached thereto.

(Ord. C-5503 § 1 (part), 1979; prior code § 3410.500)

10.52.020 - Prohibited—Sign posting.

Whenever any provision of this Chapter designates and describes any street, alley or sidewalk, or any portion thereof, as an area where rollerskating is prohibited, the Traffic Engineer shall place and maintain signs giving notice thereof on each and every such street, alley or sidewalk, or portion thereof, which constitutes an entrance to the area which has been so designated.

(Ord. C-5503 § 1 (part), 1979; prior code § 3410.501)

10.52.030 - Prohibited—Designated areas.

No person shall rollerskate on any street, alley or sidewalk, or portion thereof, which has been designated as an area where rollerskating is prohibited and on which signs giving notice thereof have been placed and maintained by the Traffic Engineer.

(Ord. C-5503 § 1 (part), 1979; prior code § 3410.502)

10.52.040 - Prohibited—Areas enumerated.

The City Council, having made a finding that rollerskating on the following streets, alleys or sidewalks, or portions thereof, creates a danger and hazard to persons or property, determines and declares said streets, alleys or sidewalks, or portion thereof, as areas where rollerskating is prohibited:

- A. East Second Street, between the intersection of Second Street and Livingston Drive and Naples Plaza, including the entire portion of the roadway and the entire width of both the north and south sidewalk, except the entire width of the north sidewalks between the east curb of Bay Shore and San Marco;
- B. The Belmont pier plaza located at the foot of Belmont pier;
- C. The east-west pedestrian walkway designated as Allin Street between the southerly projection of Thirty-Ninth Place on the west and the southerly projection of Termino Avenue on the east;
- D. The Belmont pier plaza parking lot located on the beach southerly of Allin Street between Belmont pier on the west and the southerly projection of Termino Avenue on the east;
- E. Midway Street between Thirty-Ninth Place on the west and Termino Avenue on the east including the entire portion of the roadway and the entire width of both the north and south sidewalks;
- F. West sidewalk of Termino Avenue between Ocean Boulevard on the north and the westerly projection of the south side of Olympic Plaza on the south;
- G. Repealed;
- H. The sidewalks adjacent to Belmont plaza pool on the north, south, east and west sides;
- I.

The street and sidewalks at the end of Plaza Way, between Vista del Golfo and Corso di Oro, adjacent to Look-out park;

- J. Within the civic center plaza or within Lincoln park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway;
- K. Within all areas known as The Promenade South and The Promenade North, between Shoreline Drive and Third Street, including the bridges over Seaside Way and Shoreline Drive, and the plaza areas surrounding the children's fountain;
- L. Within all portions of the Long Beach Convention and Entertainment Center site, including sidewalks, other pedestrian assembly areas, driving aisles, parking lots and parking structures;
- M. South side of Fourth Street between Cherry Avenue and Junipero Avenue and the north side of Fourth Street between Cherry Avenue and Rose Place;
- N. That portion of both sides of the street and sidewalks of Thirty-First Street between Atlantic Avenue and Long Beach Boulevard;
- O. Both sides of Fourth Street between Ximeno Avenue and Park Avenue.

(Ord. C-7746 § 1, 2001; Ord. C-7659 § 1, 1999; Ord. C-7643 § 1, 1999; Ord. C-7548 § 1, 1998; Ord. C-7281 § 4, 1994; Ord. C-6883 § 3, 1991; Ord. C-6819 § 2, 1990; Ord. C-6772 § 2, 1990; Ord. C-5956 § 37, 1983; Ord. C-5658 § 2, 1980; Ord. C-5553 § 2, 1980; Ord. C-5503 § 1 (part), 1979; prior code § 3410.503)

CHAPTER 10.54 - SKATEBOARDS

FOOTNOTE(S):

--- (19) ---

State Law reference— Provisions authorizing local authorities to regulate skateboards, Veh. C. § 11967.

10.54.010 - Skateboard defined.

A "skateboard" is any board or other flat object which has wheels attached to it by any means whatsoever and which is intended to be propelled by pushing, pulling or the forces of gravity and which there is not affixed any device or mechanism for steering.

(Prior code § 3410.400)

10.54.020 - Prohibited—Sign posting.

Whenever any provision of this Chapter designates and describes any street, alley or sidewalk, or any portion thereof, as an area where the operation of skateboards is prohibited, the Traffic Engineer shall place and maintain signs giving notice thereof on each and every street, alley or sidewalk, or portion thereof, which constitutes an entrance to the area which has been so designated.

(Prior code § 3410.401)

10.54.030 - Prohibited—Designated areas.

No person shall operate, drive or cause to be propelled a skateboard on any street, alley or sidewalk, or portion thereof, which has been designated as an area where operation of skateboards is prohibited.

(Prior code § 3410.402)

10.54.040 - Prohibited—Areas enumerated.

The City Council, having made a finding that the operation of skateboards on the following streets, alleys or sidewalks, or portion thereof, will create a hazard to persons or property, determines and declares said streets, alleys or sidewalks, or portions thereof, as areas where the operation of skateboards is prohibited:

- A. All streets, alleys and sidewalks in an area bounded by and including Vista Street on the north, Nieto Avenue on the east, East Broadway on the south and Park Avenue on the west;
- B. The pedestrian overpass located on Carson Street, east of Faculty Avenue;
- C. That portion of the streets and sidewalks of Pine Avenue located between Eighth Street and Shoreline Drive;
- D. That portion of the street and sidewalks of Shoreline Drive located between Ocean Boulevard and Linden Avenue;
- E. That portion of the street and sidewalks of Junipero Avenue located south of Ocean Boulevard;
- F. That portion of the street and sidewalks of Manila Avenue located between Pacific Coast Highway and Colorado Street;
- G.

That portion of the north-south alley between Ultimo Avenue and Flint Avenue located south of Fourth Street;

- H. That portion of the street and sidewalks of East Second Street located between Quincy Avenue and Bay Shore Avenue;
- I. That portion of the street and sidewalks of Wilton Street located east of Termino Avenue;
- J. The bridge located on Neapolitan Lane West crossing over the Naples Canal and the bridges located on the Toledo Street, Ravenna Drive and Neapolitan Lane East, all crossing over the Rivo Alto Canal;
- K. That portion of the street and sidewalks of Flint Avenue located between Fourth Street and Colorado Street, and that portion of north-south alley between Flint Avenue and Winslow Avenue located between Fourth Street and Colorado Street;
- L. That portion of the street and sidewalks of Shaw Street located between Quincy Avenue and Roycroft Avenue, and that portion of the north-south alley between Quincy Avenue and Roycroft Avenue located between East Broadway Avenue and Livingston Drive;
- M. All streets, alleys and sidewalks in an area bounded by and including Shaw Street on the north, Ximeno Avenue on the east, the north sidewalk of Livingston Drive on the south and Belmont Avenue on the west; except Bennett Avenue between Second Street and Shaw Street;
- N. All streets, alleys and sidewalks in an area bounded by and including East Broadway Street on the north, Quincy Avenue on the east, the north sidewalk of Livingston Drive on the south, and Ximeno Avenue on the west;
- O. That portion of the street and sidewalks of Sixty-Second Place between Seaside Walk and Ocean Boulevard;
- P. That portion of the north-south alley between First Street and Second Street, and east of Termino Avenue;
- Q. The Belmont Pier Plaza located at the foot of Belmont Pier;
- R. The east-west pedestrian walkway designated as Allin Street between the southerly projection of Thirty-Ninth Place on the west and the southerly projection of Termino Avenue on the east;
- S. The Belmont Pier Plaza parking lot located on the beach southerly of Allin Street between Belmont Pier on the west and the southerly projection of Termino Avenue on the east;
- T. Midway Street between Thirty-Ninth Place on the west and Termino Avenue on the east including the entire portion of the roadway and the entire width of both the north and south sidewalks;
- U. West sidewalk of Termino Avenue between Ocean Boulevard on the north and the westerly projection of the south side of Olympic Plaza on the south;
- V. That portion of the sidewalks of Pine Avenue and Tenth Street adjacent to the senior citizen's residential development known as Baptist Gardens, the address of which is 1011 Pine Avenue;
- W. All streets and sidewalks within the area south of Ocean Boulevard between the Long Beach Museum of Art on the west and the Taper property on the east, known as Bluff Park;
- X. The bicycle path located on granted tide and submerged lands commencing at the Los Angeles River and running in an easterly direction at or adjacent to the waters of the Pacific Ocean;
- Y. Roycroft Avenue, between the intersection of Fourth Street and Colorado Street, including the entire portion of the roadway and the entire width of both the east and west sidewalk;
- Z. Third Street, between the intersection of Argonne Avenue and Granada Avenue, including the entire portion of the roadway and the entire width of both the north and south sidewalk;

- AA. South sidewalk of Seventh Street, between Temple Avenue and Redondo Avenue;
- BB. The sidewalks adjacent to Belmont Plaza pool on the north, south, east and west sides;
- CC. The street and sidewalks at the end of Plaza Way, between Vista del Golfo and Corso di Oro, adjacent to Look-Out Park;
- DD. Quincy Avenue between Third Street and Broadway, including the entire portion of the roadway and the entire width of both the east and west sidewalks;
- EE. Within the Civic Center Plaza or within Lincoln Park, which together include all areas bounded by the west right-of-way line of Pacific Avenue, the north right-of-way line of Ocean Boulevard, the west right-of-way line of the vacated Chestnut Avenue right-of-way, and the south right-of-way line of Broadway;
- FF. Within all areas known as The Promenade South and The Promenade North, between Shoreline Drive and Third Street, including the bridges over Seaside Way and Shoreline Drive, and the plaza area surrounding the children's fountain;
- GG. Within all portions of the Long Beach Convention and Entertainment Center site, including sidewalks, other pedestrian assembly areas, driving aisles, parking lots and parking structures;
- HH. South side of Fourth Street between Cherry Avenue and Junipero Avenue and the north side of Fourth Street between Cherry Avenue and Rose Place;
- II. That portion of both sides of the street and sidewalks of Thirty-First Street between Atlantic Avenue and Long Beach Boulevard;
- JJ. Both sides of Fourth Street between Ximeno Avenue and Park Avenue.

(ORD-13-0028, § 1, 2013; Ord. C-7746 § 2, 2001; Ord. C-7659 § 2, 1999; Ord. C-7643 § 2, 1999; Ord. C-7548 § 2, 1998; Ord. C-7281 § 5, 1994; Ord. C-7141 § 3, 1993; Ord. C-6819 § 3, 1990; Ord. C-6772 § 3, 1990; Ord. C-6592 § 7, 1989; Ord. C-6237 § 4, 1986; Ord. C-6225 § 7, 1986; Ord. C-5956 § 38, 1983; Ord. C-5911 § 3, 1982; Ord. C-5678 § 2, 1981; Ord. C-5658 § 1, 1980; Ord. C-5553 § 1, 1980; Ord. C-5418 § 9, 1978; Ord. C-5394 § 9, 1978; Ord. C-5362 § 1, 1977; Ord. C-5263 § 1, 1976; Ord. C-5259 § 1, 1976; Ord. C-5250 § 1, 1976; prior code § 3410.403)

CHAPTER 10.56 - VEHICLE OVERLOADS

FOOTNOTE(S):

--- (20) ---

State Law reference— Provisions on weights, Veh. C. §§ 35000 et seq. and 35550 et seq.

10.56.010 - Applicability.

The provisions of Sections 10.56.020, 10.56.030, 10.56.040, 10.56.050 and 10.56.060 refer exclusively to oversize and overweight loads upon vehicles when operated on the streets and highways within the City.

(Prior code § 3470.3)

10.56.020 - Statutes applicable.

The applicable provisions of Division 15 of the California Vehicle Code shall constitute the regulations of the City relative to the size and weight of vehicle loads, together with such additional provisions and requirements as are specifically contained in this Chapter, and Chapter 10.41.

(ORD-10-0025, § 5, 2010; Prior code § 3470.4)

10.56.030 - Permit—Issuance.

The Director of Public Works, or his designee, shall be responsible for the issuance of special permits for loads exceeding the maximum sizes and/or weights specified in Division 15 of the California Vehicle Code, and for administering the rules and regulations pertaining thereto.

(ORD-10-0025, § 6, 2010; Prior code § 3470.5)

10.56.040 - Permit—Application.

All persons, firms or agencies desiring to move any load across or upon streets and highways within the City, which load exceeds any of the limitations imposed by Division 15 of the California Vehicle Code, shall apply to and first receive a special permit from the Director of Public Works, or his designee. The special permit shall specify the streets upon which the move is authorized and the date and time of the move. A charge for issuing the permit as established by the Director of Public Works, or his designee, shall be paid by the applicant prior to issuance of the permit.

(ORD-10-0025, § 7, 2010; Ord. C-5402 § 1, 1978; prior code § 3470.6)

10.56.050 - Liability for damage.

Any person, firm or agency granted a special permit, as provided in Section 10.56.040, shall be liable for all damages to any street, highway, bridge, or appurtenances thereto, including, but not limited to, guardrails, signs, traffic signals, streetlights, street trees and similar facilities, resulting from the operation, driving or moving of any vehicle which exceeds any of the limitations imposed by Division 15 of the California Vehicle Code. The permittee shall hold the City harmless from any liability occasioned by or resulting from operations under the special permit.

(Prior code § 3470.7)

10.56.060 - Costs responsibility.

If, in the judgment of the Director of Public Works, or his designee, it is determined necessary to strengthen any structure over which an overload must pass, or to perform any other work in order to ensure the safe passage of the load upon City streets, the permittee will be required to pay the full cost of such work. Permittee will also be required to reimburse the City for any cost necessitated by the temporary relocation of traffic signals, street lights or other appurtenances in order to permit the safe passage of the loaded vehicle.

(ORD-10-0025, § 8, 2010; Prior code § 3470.8)

CHAPTER 10.58 - PEDESTRIANS

FOOTNOTE(S):

--- (21) ---

State Law reference— Provisions on pedestrians' rights and duties, Veh. C. § 21950 et seq.

10.58.010 - Crosswalks—Establishment.

- A. The Traffic Engineer shall establish, designate and maintain crosswalks at intersections and other places, by appropriate devices, marks or lines upon the surface of the roadway.
- B. Crosswalks shall be established and maintained at all intersections within the Central Traffic District, and at such intersections outside such district, and at other places within or outside the district, where the Traffic Engineer determines that there is particular hazard to pedestrians crossing the roadway, and at such other places as may be designated by ordinance of the Council.
- C. The Traffic Engineer may place signs at, or adjacent to, an intersection, in respect to any crosswalk, directing that pedestrians shall not cross in the crosswalk so indicated.
- D. Crosswalks are established at the intersections and places designated in Section 10.58.060

(Prior code § 3410.75)

10.58.015 - Crosswalks—Removal.

In order to improve pedestrian safety, traffic flow or accessibility, the City Traffic Engineer is authorized to remove existing marked crosswalks as long as notice and an opportunity to be heard is provided to the public not less than thirty (30) days prior to the scheduled date of removal. The notice of proposed removal shall be posted at the crosswalk identified for removal, as well as such other locations as the City Traffic Engineer shall designate. The notice of proposed removal shall further set forth the form and method of providing input relating to the proposed removal.

(ORD-09-0021, § 33, 2009)

10.58.020 - Crossing without crosswalk.

No pedestrian shall cross a roadway, other than by a crosswalk, in the Central Traffic District, or in any business district, except at intersections where pedestrian traffic is controlled by a scramble-system automatic signal.

(Prior code § 3410.76)

10.58.030 - Reserved.

Editor's note—

ORD-09-0014, § 1, adopted June 9, 2009, repealed § 10.58.030, which pertained to pedestrian angle or crossing and derived from prior Code § 3410.77.

10.58.040 - Walking on roadway prohibited.

No pedestrian shall stand in any roadway, other than in a safety zone or crosswalk, nor shall any pedestrian walk lengthwise along and within a roadway in a manner that interferes with the lawful movement of traffic. This Section shall not apply to any public officers or employees, or employees of public utilities, contractors or other agencies when necessarily upon a street in line of duty.

(Prior code § 3410.78)

10.58.050 - Safety zone designation.

The Traffic Engineer is authorized to designate upon the surface of the roadway, by appropriate devices or marks, safety zones at such places and locations as he deems necessary.

(Prior code § 3410.79)

10.58.060 - Crosswalks—Installation.

The City Traffic Engineer is authorized to place and maintain crosswalks as he may deem necessary to regulate or guide pedestrian traffic, but he shall make such determination of necessity only upon the basis of Traffic Engineering principals and traffic investigations, and in accordance with such standards, limitation and rules as may be set forth in the traffic provisions of this Chapter or applicable laws of the State.

(ORD-09-0021, § 30, 2009; Ord. C 7927 § 1, 2004; Ord. C 7287 § 3, 1994; Ord. C 7068 § 11, 1993; Ord. C 5774 § 6, 1981; Ord. C 5394 § 8, 1978; Ord. C 5298 § 1, 1977; Ord. C 5270 § 1, 1976; Ord. C 5247 § 1, 1976; prior code § 3410.137)

Editor's note—

ORD-09-0021, § 30, adopted Aug. 4, 2009, renamed former § 10.58.060 entitled "Crosswalks—Locations" as set out herein.

CHAPTER 10.60 - SCHOOL BUSES

10.60.010 - Definitions.

For the purpose of this Chapter the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this Section unless from the particular context it clearly appears that some other meaning is intended:

- A. "Private school" means any school wherein there is conducted a regular program of education and instruction in the several branches of study required to be taught in the public schools of this State whether such school is conducted for profit or not except a school operated by a public school district.
- B. "School bus" means every motor vehicle used for the transportation of seven (7) or more pupils to or from any private school, if such transportation is furnished by:
 - 1. A private school; or
 - 2. Any person for compensation.

A person who receives no consideration for the furnishing of transportation by him except the furnishing of transportation to a child or children of whom he is the parent or guardian shall not be deemed to be furnishing transportation for compensation.

The furnishing of transportation pursuant to any license, permit or certificate issued by the Public Utilities Commission of this State or by the City Council or pursuant to the terms of any franchise issued by the City shall not be construed so as to make any motor vehicle so used a school bus.

(Ord. C-5691 § 2 (part), 1981; prior code § 6245)

10.60.020 - Inspection certificate required.

No person shall operate a school bus on either a public street or elsewhere unless there is posted therein where it may be readily observed a certificate issued by the California State Highway Patrol to the effect that on a certain date, which shall be not more than one (1) year prior to the date of such operation, the highway patrol carefully and thoroughly inspected the school bus and determined that the design, mechanical condition and equipment thereof then complied with all statutes, rules and regulations then applicable to public school buses.

(Prior code § 6245.1)

10.60.030 - Driver's certificate required.

No person shall drive any school bus while transporting pupils unless such person is the holder of a valid and effective operator's or chauffeur's license and a school bus driver's certificate issued by the State Department of Motor Vehicles after such examination as the department may prescribe and issued in the same manner and effective for the same term as a certificate issued for a driver of a public school bus.

(Prior code § 6245.2)

10.60.040 - Insurance.

No school bus shall be operated unless there is in effect insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C-7934 § 16, 2004; prior code § 6245.3)

CHAPTER 10.62 - PUBLIC TRANSPORTATION

10.62.010 - Talking with operator—Prohibited.

No person shall talk to or communicate in any manner with the driver, motorman or operator of any bus, streetcar, railroad or interurban car, and no such driver, motorman or operator shall talk to or communicate in any manner with any person, while such driver, motorman or operator is engaged in the performance of his duty as such driver, motorman or operator, except:

- A. When it is necessary for such person to obtain from the driver, motorman or operator information relative to his or her transportation; or
- B. When the person is an officer, agent, servant or other employee of the company having a franchise to operate such cars or buses, and his conversation with the driver, motorman or operator relates to the latter's duties and is then necessary thereto; or
- C. When the person is an officer, agent, servant or employee of the City and it is necessary by reason of his or her duties of employment to talk to or communicate with the driver, motorman or operator.

(Prior code § 6243)

10.62.020 - Talking with operator—Warning notice.

No person shall operate any such car or bus unless there is posted in a conspicuous place therein and readily visible to the passengers a notice that conversation with or by the driver, motorman or operator thereof, except as allowed in the foregoing section, is unlawful.

(Prior code § 6243.1)

10.62.030 - Smoking prohibited—Where.

No person shall smoke or possess any burning or lighted cigarette, cigar, or pipe in or upon any streetcar, interurban car, motor bus, or other vehicle operated for the purpose of transporting passengers for hire and picking up and discharging such passengers along a regular route.

(Prior code § 6244)

10.62.040 - Smoking prohibited—Sign.

No person shall operate any vehicle described in Section 10.62.030 within the City unless there is placed and maintained in a conspicuous place in the vehicle at the front and rear of each compartment thereof a sign with the words "No Smoking" printed thereon. The letters of the sign shall be painted on a background of contrasting color and shall be of not less than one-quarter inch ($\frac{1}{4}$ ") stroke and not less than one and one-half inches ($1\frac{1}{2}$ ") in height.

(Prior code § 6244.1)

CHAPTER 10.64 - ENFORCEMENT

FOOTNOTE(S):

--- (22) ---

State Law reference— Provisions on obedience to traffic signals, Veh. C. §§ 52800 and 21100.3.

10.64.010 - Traffic direction.

No person shall fail or refuse to comply with any lawful order of a Police Officer, Fire Department official or Disaster Service Worker approved by the Chief of Police, who is directing traffic.

(ORD-13-0010 , § 1, 2013; Prior code § 3410.5)

10.64.020 - Emergency vehicles exempt.

The provisions of this Title regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles.

(Prior code § 3410.7)

10.64.030 - Traffic direction compliance.

No pedestrian or the driver of any vehicle shall disobey the instructions of any traffic sign, barrier or mark upon the street, placed in accordance with the provisions of this Title, provided every sign or mark made by the use of paint upon the curb shall bear thereon the City emblem prescribed by the Chief of Police.

(Prior code § 3410.8)

CHAPTER 10.66 - CONTROL OF VEHICULAR CRUISING

10.66.010 - Cruising prohibited.

The ranking peace officer on duty within any area affected by traffic congestion may, having determined that such area is so affected, establish one (1) or more traffic control points at or near such area to regulate cruising.

(Ord. C-6648 § 1 (part), 1989)

10.66.020 - Cruising defined.

"Cruising" is defined to mean the driving of a motor vehicle three (3) or more times within a four (4) hour period past a traffic control point so established on a portion of any street identified as subject to cruising controls by signs posted at the beginning and end of the controlled roadway, that briefly and clearly state the appropriate provisions of this Chapter and Section 21100(k) of the California Vehicle Code, and after the operator of the vehicle has been given the notice specified in this Chapter.

(Ord. C-6648 § 1 (part), 1989)

10.66.030 - Elements of the offense.

No person, having driven a motor vehicle past a traffic control point established pursuant to this Chapter twice within any four (4) hour period, and having received written notice that further driving past the traffic control point will constitute a violation of this Chapter, shall drive past that control point within the time period in which cruising controls are in effect. Each successive trip past the traffic control point shall constitute a separate violation of this Chapter, and no additional notice shall be required prior to issuance of a second or subsequent citation.

(Ord. C-6648 § 1 (part), 1989)

10.66.040 - Exemptions.

The provisions of this Chapter shall not apply to:

- A. Any authorized vehicle as defined in Section 165 of the California Vehicle Code;
- B. Any publicly owned vehicle of any City, county, district, state or federal agency;
- C. Any vehicle licensed for public transportation or vehicles which are normally used for business purposes and are engaged in such business use.

(Ord. C-6648 § 1 (part), 1989)

10.66.050 - Designated streets.

The provisions of this Chapter shall apply to the following locations:

- 1. First Street, between Hermosa Avenue and Molino Avenue;
- 2. Second Street, between Hermosa Avenue and Molino Avenue;
- 3. Pine Avenue, between Ocean Boulevard and Seventh Street.

(ORD-06-0030 § 1, 2006; Ord. C-6648 § 1 (part), 1989)

10.66.060 - Penalty.

It shall be an infraction for any person to violate this Chapter, and upon conviction thereof shall be subject to the payment of penalties as provided in Section 42001 of the California Vehicle Code and as that section may be amended.

(Ord. C-6648 § 1 (part), 1989)

CHAPTER 10.68 - ADULT CROSSING GUARDS

10.68.010 - Initiative ordinance.

AN INITIATIVE ORDINANCE REQUIRING ADULT CROSSING GUARDS AT DANGEROUS INTERSECTIONS

THE PEOPLE OF THE CITY OF LONG BEACH DO ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

In recognition of the serious hazard posed to elementary school children in going to and from school, it shall be the policy of the City of Long Beach to maintain adult crossing guards at school crossings designated as hazardous during the hours when school children are required to cross the street.

SECTION II. FUNDING

The School Crossing Guard Program as herein established shall be funded by revenues available to the City of Long Beach from fines and forfeitures under the California Vehicle Code.

SECTION III. DESIGNATION OF INTERSECTIONS AS HAZARDOUS

An intersection utilized by at least twenty (20) children per hour in coming to and from elementary school shall be deemed hazardous for purposes of this Section, if special problems exist and it is deemed necessary to assist children in crossing a street, such as where the intersection is unusually complicated, presents a heavy vehicular turning pattern or high vehicular speed, where the sight distance is less than a reasonable stopping distance from the crosswalk, or where any one (1) of the following conditions exist:

a) Uncontrolled crossings on the route to school

Where there is no controlled crossing or grade separation within six hundred feet (600') of the location where a request for an adult crossing guard is made and one (1) of the following conditions exist:

- 1) Where the vehicular traffic volume exceeds the rate of three hundred (300) per hour during the time school children are required to cross while traveling to or from school; or
- 2) Where the vehicular traffic volume exceeds the rate of two hundred seventy-two (272) per hour and the posted speed limit is thirty-five (35) to and including forty-five (45) miles per hour; or
- 3) Where the vehicular traffic volume exceeds the rate of two hundred fifty (250) per hour and the posted speed limit is fifty (50) miles per hour or more.

b) Stop Sign-controlled crossings on the route to school

Where the vehicular traffic volume through the crosswalk children must use on an undivided roadway of four (4) or more lanes exceeds the rate of five hundred (500) per hour during any period when

children are required to go to or from school.

c) Signal controlled crossings on the route to school

At traffic signals where potentially conflicting vehicular turning movements through the crosswalk children must use exceed the average rate of ten (10) vehicles per minute of signal green time, taken over a period of at least fifteen (15) minutes of signal green time, during any period when children are required to go to or from school.

SECTION IV. PEDESTRIAN SAFETY ADVISORY COMMITTEE

A committee shall be established, entitled the PEDESTRIAN SAFETY ADVISORY COMMITTEE, which shall determine whether any intersection utilized by children in coming to and from school poses a special problem of safety requiring the installation of an adult crossing guard, and which shall advise the City Council of its findings and recommendations.

a) Composition of committee

The PEDESTRIAN SAFETY ADVISORY COMMITTEE shall be composed of one (1) representative from each Council district, who shall be nominated by the respective Councilperson of said district and appointed by the City Manager of the City of Long Beach; one (1) representative from the Long Beach Unified School District, who shall be appointed by the Superintendent of the Long Beach Unified School District; one (1) City Traffic Engineer, who shall be appointed by the City Manager; one (1) representative of the nonpublic schools of the Long Beach area, who shall be appointed by the City Manager; and the President of the Parent Teacher Association of the Long Beach Unified School District or a designee thereof.

b) Meetings of the committee

1) Special meetings:

The committee shall meet within ten (10) days at the request of the City Manager, the chairperson of the committee or any two (2) members of the committee.

2) Regular meetings:

Notwithstanding Section IV(b)(1), the committee shall meet regularly not less than twice per school year. Prior to the commencement of the fall semester, and prior to the commencement of the spring semester.

c) Committee organization

The committee shall adopt rules for its own organization and conduct and shall select its own chairperson.

SECTION V. ACTION BY CITY COUNCIL

Within twenty (20) days after receiving the findings of the committee recommending the installation of a crossing guard at a designated intersection, the City Council must:

a) Initiate the installation of an adult crossing guard at the designated intersection; or

b) Place the committee's recommendation on the agenda of a regular public Council meeting within forty-five (45) days. The Council may, by a majority vote at such regular meeting, reject the committee's recommendation upon its finding that the designated intersection does not present a potential hazard to school children; or

c) If such finding is not adopted as set forth in Section V(b), the guard shall forthwith be installed pursuant to the recommendations of the PEDESTRIAN SAFETY ADVISORY COMMITTEE.

(Ord. C-5490, 1978)

CHAPTER 10.69 - PARKING RESTRICTED TO SENIOR CITIZENS

10.69.010 - Purpose.

This Chapter is enacted pursuant to authority granted by Section 22519 of the California Vehicle Code to allow full use and access to community centers by senior citizens who participate in programs there aimed at them and to reduce the use of parking spaces at community centers by individuals who are not using the community centers.

(Ord. C-6872 § 1 (part), 1991)

10.69.020 - Spaces in off-street parking facilities—Designation.

The parking spaces in off-street parking facilities owned or operated by the City and designated in Section 10.69.030, when indicated by signs, are authorized for the exclusive use of vehicles which display a permit issued by the City through its Department of Parks and Recreation to residents over the age of fifty-five (55) years. The City Traffic Engineer is authorized to place signs to designate these reserved parking spaces.

(Ord. C-6872 § 1 (part), 1991)

10.69.030 - Parking restricted to senior citizens—Enumerated.

For the purposes of Section 10.69.020, the following parking spaces are designated for exclusive use by citizens over the age of fifty-five (55) years:

1. Twenty-six (26) spaces in the southwest portion of the off-street parking lot at Houghton Park, closest to the Community Center.

(Ord. C-6872 § 1 (part), 1991)

10.69.040 - Unauthorized use prohibited.

No person shall stop, stand or park any vehicle in any parking space designated in Section 10.69.030 when indicated by signs unless expressly authorized by Section 10.69.020.

(Ord. C-6872 § 1 (part), 1991)

10.69.050 - Permit—Issuance.

- A. The Department of Parks and Recreation shall issue senior citizen parking permits, and shall keep a record of each permit issued, at the facility to which the permit applies, which includes the license number of the vehicle for which the permit is issued. No more than one (1) permit shall be issued for each vehicle for which application is made.
- B. Senior citizen parking permits may be issued only for passenger vehicles, pickup trucks, and vans, and only on application of a person over the age of fifty-five (55) years who is the registered owner or has exclusive use of the vehicle for which application is made. The Director of the Department of Parks and Recreation shall require proof of age and vehicle registration or use and such proof shall be satisfactory to him, in his sole opinion.
- C. Each senior citizen parking permit shall be issued on a calendar year basis, and shall expire at midnight on December 31st next following its issuance.

- D. Each application for a senior citizen parking permit shall be accompanied by such fee therefor as may be established from time to time by resolution of the City Council. The fee for permits issued for less than twelve (12) months may be reduced in proportion to the time already elapsed in the calendar year for which the permit is issued.

(Ord. C-6872 § 1 (part), 1991)

10.69.060 - Permit—Display.

Senior citizen parking permits shall be displayed in the lower left corner of the rear window or on the driver side of the rear bumper.

(Ord. C-6872 § 1 (part), 1991)

10.69.070 - Permit—Revocation.

- A. The Director of the Department of Parks and Recreation is authorized to revoke a senior citizen parking permit that violates any provision of this Chapter and, on written notification thereof, the permit holder shall surrender the permit to the Director or prove its destruction or disfigurement to the Director's satisfaction.
- B. Any person whose senior citizen parking permit has been revoked shall not be issued a new permit until expiration of a period of one (1) year following the date of revocation and until such person makes a new application and pays the required fee.

(Ord. C-6872 § 1 (part), 1991)

CHAPTER 10.70 - GOLF CART CROSSING ZONES

10.70.010 - Establishment.

- A. This Chapter is enacted pursuant to authority granted by Section 22115.1 of the California Vehicle Code to allow crossing by golf carts over streets other than State highways which have a posted speed limit of forty-five (45) miles per hour or less and which are immediately adjacent to a golf course.
- B. Those crossing zones described in Section 10.70.020 are declared to be crossing zones for use by golf carts.
- C. The City Traffic Engineer is authorized to erect signs identifying the crossing zones and other appropriate signs relating to such crossing zones.

(Ord. C-6962 § 1 (part), 1992)

10.70.020 - Golf cart crossing zones—Enumerated.

- A. For the purposes of Section 10.70.010, the following crossing zones are designated as golf cart crossing zones:
 - 1. Wardlow Road three hundred thirty feet (330') east of Lakewood Boulevard;
 - 2. Wardlow Road two hundred ninety feet (290') west of Clark Avenue;
 - 3. Sixth Street (east leg) at Federation Drive.

(Ord. C-6962 § 1 (part), 1992)

10.70.030 - Right-of-way.

- A. The driver of any vehicle on a street or highway transversed by a golf cart crossing zone shall yield the right-of-way to any golf cart in a crossing zone that is marked by signs.
- B. Subsection A of this Section does not relieve the driver of a golf cart in a crossing zone from the duty of using due care for his or her own safety.
- C. Drivers of golf carts shall use crossing zones only at times other than during darkness.

(Ord. C-6962 § 1 (part), 1992)

CHAPTER 14.04 - OBSTRUCTION OF STREETS AND SIDEWALKS

14.04.010 - Obstructing free passage.

- A. No person shall congregate upon or use any street, alley, pier or park in such a manner as to obstruct the free use of all or any part of said street, alley, pier or park.
- B. No person shall obstruct or partially obstruct the parking lane of the street except for legally parked or standing motor vehicles or as allowed by permit pursuant to Chapter 14.06

(Ord. C-6347 § 1, 1987: prior code § 3410.9)

14.04.020 - Painting on sidewalk.

No person shall apply paint, pigment, coloring or any other similar substance upon any street, sidewalk, alley, way or pier in the City without first having obtained a permit from the Chief of Police.

(Ord. C-5784 § 1 (part), 1981: prior code § 3410.10(a))

14.04.030 - Selling on streets prohibited.

No person shall sell, offer for sale, give or distribute any merchandise or matter of any manner or description whatsoever, including newspapers or printed matter, nor shall any person solicit contributions or donations from a position or place upon or in any public street in the City. The term "public street", as used in this Section, means and includes every highway, road, roadway, street, median, divider island, safety zone, alley, lane, course, place, trail, drive, bridge, viaduct or trestle laid out or erected as such by the public, or dedicated or abandoned to the public, or intended to be used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks.

(Ord. C-5257 § 1, 1976: prior code § 3410.11)

14.04.040 - Goods on sidewalks prohibited.

- A. Except as provided in Chapter 14.14 herein, no person shall use any public sidewalk, public street, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing upon any public sidewalk, public street, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof.
- B. Except as provided in Chapter 14.14 herein, no person shall use any public sidewalk or unimproved public walkway or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, truck, barrels, trunks or any other article or thing upon any public sidewalk, or that space between the public sidewalk and curb commonly known as parkway, or any space above any portion thereof, for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to which the same is intended to be removed, or from the place of business or residence to the transporting vehicle to which the same is intended to be removed, and in no case shall said items be left in place for more than sixty (60) minutes subject, however, to the following exception and that set out in Section 14.04.050

This Section shall not apply to electrical or other signs, garbage, waste, trash, awnings, balconies and other building projections otherwise regulated by this Code.

(Ord. C-6659 § 1, 1989; Ord. C-6347 § 2, 1987; Ord. C-5591 § 1 (part), 1980; prior code § 7532 (part))

14.04.050 - Sidewalk sale permits.

The City Manager or his designee is authorized to issue revocable permits for sidewalk sales sponsored by neighborhood business associations, subject to the following conditions:

- A. Not more than fourteen (14) days of such sidewalk sales shall be permitted the same neighborhood business association in any calendar year;
- B. Each revocable permit shall require the permittee to indemnify, defend, and save free and harmless the City, its boards and their officers and employees against any and all liability, claims, demands, causes of action and costs, including Attorney fees, which may be asserted, prosecuted or established against them, or any of them, for injury to or death of persons, or damage to or destruction of property of whatsoever nature arising out of or in connection with the use by the permittee and its members of City property or the exercise by the permittee and its members of the rights or privileges permitted by the permit;
- C. Prior to or at the time of issuance of the revocable permit the permittee shall submit to the City Manager or his designee insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040. The permit shall not be effective until the City has received proof of such insurance;
- D. The City Manager or his designee shall charge each permittee a fee for issuance of the permit, which fee shall be established by the City Council by resolution;
- E. All applications for sidewalk sale permits shall be submitted by the neighborhood business association to the City Manager or his designee in writing, at least thirty (30) days prior to the commencement date of the sidewalk sale;
- F. Upon the completion of a sidewalk sale the permittee shall restore to a condition of cleanliness acceptable to the City Manager or his designee the public property on which the sidewalk sale was conducted and the public property immediately adjacent thereto. If the permittee refuses or fails to do so the City may do so, and the permittee shall pay to the City within ten (10) days after receipt of invoice therefor the City's costs incurred in connection therewith;
- G. All special services necessary to properly conduct a permitted sidewalk sale shall be arranged and paid for by the permittee. If the City agrees with the permittee to provide any of the special services, the permittee shall, at the time of payment of the fee for issuance of the sidewalk sale permit, deposit with the City Manager or his designee a sum of money equal to the estimated cost to the City of providing the special service. Any excess of actual costs incurred by the City in providing the special service over the amount deposited shall be paid by the permittee to the City within ten (10) days after the permittee's receipt from the City of an invoice for such excess. Any excess of the amount deposited over the actual costs shall be refunded by City to the permittee as soon as practicable;
- H. Each permittee shall abide by the terms and conditions set forth in its sidewalk sale permit and all statutes, ordinances, rules and regulations applicable to the operations conducted by permittee pursuant to such permit.

(Ord. C 7934 § 17, 2004; Ord. C 7044 § 1, 1992; Ord. C 5786 § 1, 1981; Ord. C 5591 § 1 (part), 1980; prior code § 7532(b))

14.04.060 - Bulletin boards.

No person, as principal, agent or servant, shall place or maintain any newspaper bulletin board upon, along or above any street or other public place except that the owner, proprietor or agent for a newspaper may place and maintain a newspaper bulletin board upon the wall or side of the building used for the printing, publishing, or sale of such newspaper; provided, that the newspaper bulletin board shall not project more than six inches (6") over any street, sidewalk, parking, alley or other public place.

(Prior code § 7533)

14.04.070 - Reserved.

Editor's note—

ORD-10-0016, § 2, adopted June 15, 2010, repealed § 14.04.070, which pertained to "sidewalk entertainment permits" and derived from: Ord. C 5832 § 1, 1982.

CHAPTER 14.06 - RESERVED

FOOTNOTE(S):

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Editor's note— Chapter 14.06—Entitled "Temporary Occupation of Public Streets" was repealed by Ord. C-7933)

CHAPTER 14.08 - EXCAVATIONS, STREET IMPROVEMENTS AND TEMPORARY OCCUPATION OF RIGHTS-OF-WAY

FOOTNOTE(S):

--- (2) ---

Note— Prior ordinance history: Prior code §§ 7580, 7580.1—7580.9 and 7580.11—7580.49; Ord. C 5404; Ord. C 5661; Ord. C 5691; Ord. C 5701; Ord. C 6235; Ord. C 6346 § 1 (part), 1987; Ord. C 6399 §§ 1, 2, 1987; Ord. C 6451 § 2, 1987; Ord. C 6460 §§ 1, 2, 1988; Ord. C 7762 § 1, 2001.

ARTICLE I. - GENERAL PROVISIONS

14.08.010 - Definitions.

For the purpose of this Chapter, unless the context clearly requires a different meaning, the words, terms and phrases set forth in this Section are defined as follows:

- A. "Applicant" means any person who applies for a permit under this Chapter.
- B. "City" means the City of Long Beach, California, acting by and through the City Council.
- C. "Contractor" means a person who, for a fixed sum, price, fee percentage or compensation other than wages, undertakes or offers to undertake or purports to have the capacity to construct, alter, repair, add to, improve or install surface improvements to streets or any part thereof, or makes or commences to make any excavation in or under the surface of any right-of-way for the installation, repair, or removal of any pipe, conduit, duct or tunnel in the right-of-way.
- D. "Facilities" means pipes, pipelines, conduits, ducts, tunnels, poles, pole lines, cables, wires, vaults, traps, manholes, appliances, attachments and appurtenances used in connection therewith, for the purpose of the transmission, transportation or conveyance of any liquid or gaseous substance or substances, steam, air, electrical energy, or for communication purposes, or for the purpose of providing housing or protection for interior lines used, intended to be, or capable of being used for such purpose or purposes.
- E. "Permit" means the document issued to an applicant by the City under this Chapter, and includes any amendment or supplement to any such permit.
- F. "Permittee" means any person to whom a permit has been granted and issued under the terms of this Chapter.
- G. "Person" means an individual, a receiver, a trustee, a copartnership, a joint venture, a firm, an unincorporated association, a syndicate, a club, a society, a trust, a private corporation, a limited liability company, a public corporation, a municipal corporation, a County, a State, a national government, a municipal, County, State or federal agency, board or commission, a water district, a utility district, a political subdivision, a school district, a drainage, irrigation, levee, replenishment, reclamation or conservation district, and a flood control district, whether acting for himself/herself/itself or in any representative capacity.
- H. "Right-of-way" means any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway, promenade, or bike path, and the surfaces thereof.
- I.

"Improvements" means the repair, modification, alteration, removal, or addition of facilities including, but not limited to, grading, paving, curbs, gutters, sidewalks, driveways, landscaping, street lighting, traffic signals, stairs, fences, walls, and any other work in the right-of-way.

(Ord. C 7933 § 1, 2004)

ARTICLE II. - PERMITS

14.08.020 - Public works permit—Required.

No person shall make any excavation or improvements in, on, or under the surface of any right-of-way and no person shall use or occupy the right-of-way with a temporary occupancy consisting of any structure, container, materials, equipment, vehicles, or construction signs related to work on private property without first obtaining a permit from the City Engineer authorizing such person to make such excavation, improvement, or temporary occupancy. This Section shall not be applicable to excavations performed pursuant to contracts awarded for such work by the Board of Harbor Commissioners, or any activity for which a permit has been granted pursuant to Chapter 5.60 of this Code.

(Ord. C 7933 § 1, 2004)

14.08.030 - Public works permit—Application.

- A. A person desiring to make an excavation, improvement, or to occupy temporarily a right-of-way under this Chapter shall complete and file an application with the City Engineer on the City's application form, which application shall contain the name and street address of the applicant and shall describe in detail the excavation, improvement, or temporary occupancy to be made and the purpose of the excavation, improvement or temporary occupancy.
- B. The application for excavation or improvements shall include seven (7) copies of a plan showing the proposed location of the excavation or improvements and the dimensions thereof, together with such other details as the City Engineer may require on such plan. The plan shall be drawn to a scale of not more than forty feet to the inch (40' = 1") and all copies thereof shall be to this scale. In addition, the application shall include evidence that the applicant is either:
 1. Under contract with the City for the excavation or improvement; or
 2. Authorized by law or a valid franchise to use the right-of-way for which an excavation or improvement is being requested; or
 3. Authorized by a pipeline permit issued under Chapter 15.44 of this Code to use the right-of-way for which an excavation or improvement is being requested; or
 4. Required to construct the excavation or improvement in conjunction with a building permit issued under Chapter 18.12 of this Code or a conditional use permit issued under Chapter 21.25 of this Code.
 5. All plans submitted with an application for an excavation permit relating to any hazardous liquid facilities shall be signed by a registered civil and/or mechanical engineer and shall be accompanied by a certification, signed by the engineer, that all facilities are in compliance with either the Federal Hazardous Liquid Pipeline Safety Act of 1979 and its amendments, the California Pipeline Safety Act of 1981 and its amendments, or the City of Long Beach hazardous liquid pipeline ordinance and its amendments, whichever one applies.
 6. The applicant shall provide any additional information which the City Engineer may deem necessary.

7. The application and permit shall be signed by the applicant or the authorized agent of the applicant. Any person signing the application and permit as an agent shall furnish written authorization signed by the applicant designating the person as an authorized agent for such purpose.

(Ord. C 7933 § 1, 2004)

14.08.040 - Public works permit—Fees.

- A. Every applicant for a permit under this Chapter shall, when the application is filed, pay to the City a fee established by resolution of the City Council. If, at any time, the City Engineer determines that the original fee paid by the applicant is not sufficient to recover costs accrued by the City, then the City Engineer may, at his discretion, require that an additional fee be paid in an amount sufficient to recover said costs.
- B. The holder of a valid franchise or permit, with the approval of the City Engineer, may pay pipeline permit and inspection fees on a monthly basis. The City Engineer shall bill the holder each month for the fees accrued during the preceding month.

(Ord. C 7933 § 1, 2004)

14.08.050 - Public works permit—Deposit or bond.

- A. Unless the City Engineer has authorized the permittee to perform the resurfacing or repair of the surface of any highway which may be removed in part or damaged by excavation, fill or temporary occupancy pursuant to a permit issued under this Chapter, the permittee shall deposit with the City the estimated cost of resurfacing or repairing the surface of the highway which may be damaged or destroyed.
- B. To ensure compliance with conditions established in the permit, the City Engineer may require that the permittee furnish a surety bond, cash deposit, or letter of credit. All bonds shall comply with regulations issued by the City pursuant to Section 2.84.040 and shall be in an amount equal to twice the estimated cost of performing the work provided, however, that the minimum amount of such bond shall not be less than one thousand dollars (\$1,000.00), and the minimum duration of the bond shall not be less than one (1) year. The condition of such bond shall be that the permittee will perform the work authorized by any permit issued pursuant to this Code in a good and workmanlike manner and to the satisfaction of the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.060 - Public works permit—Issuance.

If the applicant complies in all respects with this Chapter and with all other applicable laws, rules, regulations and ordinances of the City, and pays the fees and deposits required by this Chapter, and said permit is not being sought for excavation in a right-of-way that has been constructed, reconstructed, or resurfaced within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months, then the City Engineer shall issue the permit.

However, permits for excavation in a right-of-way that has undergone construction, reconstruction or resurfacing within the previous sixty (60) months or slurry sealed within the previous twenty-four (24) months and are not for an emergency repair or a new service connection to an underground utility shall be deemed discretionary and subject to the approval of the City Council.

The City Council may authorize a discretionary permit under the following criteria:

- A. The applicant can demonstrate that the permit for excavation in a right-of-way is immediately required for the general health, safety, and welfare of the City and, as such, cannot be delayed until the sixty (60) month or the twenty-four (24) month period, described above, has expired; and
- B. The applicant can demonstrate that alternatives to excavating in the right-of-way, such as alternative routing or construction methods, including boring or excavation of the parkway, are not possible.

(Ord. C 7933 § 1, 2004)

14.08.070 - Public works permit—Failure to obtain.

- A. If a person begins excavation, the construction of any improvement, or occupies the right-of-way prior to obtaining a permit, the fee to obtain a permit shall be double the fee prescribed in Section 14.08.040, as a penalty for the failure to obtain a permit as required herein.
- B. The payment of the penalty shall not relieve such person from fully complying with this Chapter in the execution of the work, or from penalties prescribed herein.

(Ord. C 7933 § 1, 2004)

14.08.080 - Public works permit—Defective work.

If improvements are made under a permit and do not comply with the specifications and this Chapter, the City Engineer shall notify the person to whom the permit was granted and identify the defect or failure and the person shall, within a period of five (5) days after the service of the notice, proceed with reasonable diligence to remedy the defect or failure. If the person does not comply with the requirements of the notice, the City Engineer may order the improvements removed at the expense of the permittee and the permittee shall promptly reimburse the City for the cost of removal.

(Ord. C 7933 § 1, 2004)

14.08.090 - Default.

- A. If a permittee fails to comply with this Chapter, the City may notify the permittee in writing of the failure and identify the time within which the failure must be remedied. If the permittee fails or refuses to remedy the failure within the period of time stated in the notice, the City Engineer may revoke the permit and correct the failure. The permittee shall promptly reimburse the City for any expense incurred by the City in correcting the failure. If the permittee continues work after the permit has been revoked and if the City files suit to restrain the permittee or otherwise enforce this Chapter, then the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including Attorney fees and court costs.
- B. Any structure, materials, barricade, vehicle or other object placed in the right-of-way in violation of this Chapter may be removed and stored in any convenient place by the City Engineer or City officer or employee designated by him/her. If it is removed, the City will notify the owner thereof, in writing, within three (3) working days after its removal. If the owner fails to claim the items and pay the expenses of removal and storage within thirty (30) days after removal, the items shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to Chapter 2.78 of this Code.

(Ord. C 7933 § 1, 2004)

14.08.100 - Liability insurance.

Permittee shall secure and maintain, during the life of the permit, commercial general liability insurance as described in regulations issued by the City pursuant to Section 2.84.040.

14.08.110 - Exemption from fees, bonds and deposits.

If improvements or excavations are made under this Chapter by or for a municipal corporation, a County, a State, the federal government, a County, State or federal agency, board or commission, a drainage, irrigation, levee, replenishment, reclamation or water district, or a conservation or flood control district, then no fees or deposits shall be required prior to the issuance of the permit.

14.08.120 - Public works permit—Terms and conditions.

- A. A permit shall be subject to the following conditions:
1. The permit shall be kept at the site of the work and shall be shown on demand to a City representative.
 2. Permittee shall comply with California Government Code section 4216 and following. Markings made pursuant to such Code sections shall not be made more than fourteen (14) calendar days prior to commencement of work and all markings shall be removed within two (2) months after the date markings are no longer needed or completion of the work, whichever occurs first.
 3. The permit is nontransferable.
 4. Improvements that will be maintained by the permittee may require the execution of a maintenance agreement with the City by the permittee.
 5. For excavations or improvements, the City Engineer may revoke the permit unless the work begins within sixty (60) days after the issuance of the permit and is diligently performed to completion in the sole opinion of the City Engineer.
 6. Permittee shall defend, indemnify and hold harmless the City, its officials and employees from and against all liability, loss, damage, demands, causes of action, proceedings, fines, penalties, costs, and expenses including attorney fees arising in any way from permittee's work under the permit and, furthermore, permittee shall obtain the commercial general liability insurance required in regulations issued by the City pursuant to Section 2.84.040
 7. Permittee shall, at permittee's sole expense, within ten (10) days after receipt of written notification from the City Engineer to do so, remove any improvement or facilities or, with the prior approval of the City Engineer, relocate them to a site designated by the City Engineer if at any time the improvement or facilities interfere with the use, repair, improvement, widening, change in grade, or relocation of any right-of-way or highway, or interfere with the construction of any subway, viaduct or other underground conduit or structure of any kind.
- B. Either when the permit is issued or at any time thereafter until the completion of work or end of the temporary occupancy, the City Engineer may require additional conditions as he finds reasonably necessary for the protection of the right-of-way or highway, for the prevention of undue interference with traffic, or to assure the safety of persons using the right-of-way or highway.

14.08.130 - Refusal to issue authorized.

The City Engineer may refuse to issue a permit for improvements, excavation, or temporary occupancy in the right-of-way if the applicant has previously failed or refused to comply with this Chapter or if the excavation, improvement, or temporary occupancy will endanger the health and welfare of the residents of the area where the work will be performed.

(Ord. C 7933 § 1, 2004)

14.08.140 - Public works permit—Construction standard.

All improvements shall be performed to the satisfaction of the City Engineer and in accordance with the "Standard Specifications For Public Works Construction", current edition, approved plans, and with this Chapter.

(Ord. C 7933 § 1, 2004)

ARTICLE III. - CONSTRUCTION STANDARDS

14.08.150 - Removal of materials and debris.

Any person performing or causing to be performed any work under this Chapter shall remove or cause to be removed from the site of any excavation or improvements all debris and excess materials within three (3) days after the completion of the work.

(Ord. C 7933 § 1, 2004)

14.08.160 - Inspection.

At least two (2) working days prior to beginning work or temporary occupancy, permittee shall notify the City Engineer by giving permittee's name, permit number, type of work, starting date, time of construction, name of permittee's representative at the site and the underground service alert ticket number. After work begins, permittee shall notify the City Inspector of the daily work in progress and the type of inspection required. Failure to contact the City Engineer or his representative or the use of unacceptable materials or unacceptable work shall result in a stop construction notice being issued. Work shall not resume until corrections have been made.

(Ord. C 7933 § 1, 2004)

14.08.170 - Subsurface installations—Depths.

No person shall install any conduit, duct or tunnel in any right-of-way at a distance of less than two and one-half feet (2½') below established grade of the gutter of a public right-of-way or install any main pipe or service pipe in any public right-of-way at a distance of less than three feet (3') below established grade of the gutter of the public right-of-way, or install any hazardous liquid main pipe or service pipe in any right-of-way at a depth less than that required by applicable federal and State regulations, except manholes, culverts, and catch basins, provided that where, by reason of the construction of any tunnel, storm drain, structure, pipe, conduit, or other subsurface structures, it is not possible to make such installation at such distances below the established grade of the gutter of the right-of-way, then the City Engineer may, at his discretion, upon satisfactory showing of necessity or the public benefit, grant a special permit for the installation at a distance of less than two and one-half feet (2½') or three feet (3') below the established grade of the gutter of the right-of-way or the surface of such other public place.

(Ord. C 7933 § 1, 2004)

14.08.180 - Backfill—Standards.

All excavations shall be backfilled in a manner satisfactory to the City Engineer and in accordance with the "Standard Specifications For Public Works Construction", current edition. If, at any time, the backfill fails and creates an unsafe condition, the City Engineer shall notify permittee of the failure and permittee shall repair the failure, at his/her/its own expense, to the satisfaction of the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.190 - Backfill—Temporary road surface.

Whenever the pavement or surfacing is not immediately replaced, the surface of the backfill shall conform to the level of the adjoining street surface and shall be compacted so that it is hard and smooth enough to be safe for traffic to travel any legal rate of speed. If required by the City Engineer, permittee shall cover the backfilled area with temporary surfacing.

(Ord. C 7933 § 1, 2004)

14.08.200 - Right-of-way surface replacement.

The surface of the right-of-way shall be replaced under the direction and supervision of the City Engineer at the sole cost and expense of the permittee, who shall maintain the surface for one (1) year after the date of completion of the work. If permittee fails to maintain the surface during said one (1) year period, the City Engineer may give to permittee a written notice specifying the manner in which the permittee has failed to maintain the surface and the work necessary to be performed to restore the surface. Permittee shall have five (5) days after notice is given to restore or repair the surface and, if permittee fails or refuses to do so, the City Engineer, if he deems it advisable, shall have the right to perform the restoration or repair. Permittee shall be liable for the actual cost of the work plus twenty-five percent (25%) for City's administration and overhead, and shall promptly pay these charges to the City on receipt of a statement from the City. All work shall be done in accordance with the requirements provided in the "Standard Specifications For Public Works Construction", current edition.

(Ord. C 7933 § 1, 2004)

14.08.210 - Backfill—Responsibility.

Permittee shall maintain the surface of the backfill safe for vehicular traffic and pedestrian travel until the pavement or surfacing has been replaced and accepted by the City Engineer, and be liable for all accidents which occur to vehicles or pedestrians at the site of the excavation, until the pavement or resurfacing has been replaced. If it is impractical to maintain the surface of the backfill in a safe condition for traffic, then permittee shall maintain barriers and red lights around it until the pavement or surfacing has been replaced.

(Ord. C 7933 § 1, 2004)

14.08.220 - Safe crossings to be maintained.

Permittee making any excavation shall maintain safe crossings for vehicles and pedestrian traffic at all street intersections and safe crossings for pedestrians at intervals not to exceed six hundred feet (600'). If any excavation is made across a public street, at least one (1) safe crossing shall be maintained at all times for vehicles and pedestrians. All materials excavated from the site shall be laid compactly along the side of the trench and kept trimmed to cause as little inconvenience as possible to public travel. If the right-of-way is not wide enough to hold the excavated material without using part of an adjacent right-of-way, permittee shall erect and maintain a tight board fence on and along the sidewalk and keep a passage at least three feet (3') wide open and along the right-of-way. The excavation shall be performed in such a manner so that it does not interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen feet (15') of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free from piles of materials or other obstructions.

(Ord. C 7933 § 1, 2004)

14.08.230 - Gutters and watercourses.

Permittee shall keep and maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot (1') in width from the face of the curb at the gutter line. When a gutter crosses an intersecting street, an adequate waterway shall be provided and maintained at all times. Permittee shall also provide for the flow of any watercourse intercepted during the excavation and shall restore the watercourse to the same condition that existed prior to the excavation, or shall make other provisions for waterflow as the City Engineer may direct.

(Ord. C 7933 § 1, 2004)

14.08.240 - Plan to conform to actual installation.

Every person owning, using, controlling or having an interest in any facilities in a right-of-way, except a service pipe or pipes, shall file in the office of the City Engineer, within sixty (60) days after the completion of installation of the facilities, a corrected record plan drawn to scale of not more than forty feet to the inch (40' = 1"), showing the facilities provided, however, that if the plan filed with the City Engineer at the time the permit is issued is correct in every detail, permittee may make a notation to that effect on the plan, and the plan shall constitute compliance with this Section.

Final acceptance by the City Engineer for the work performed under the permit is dependent on full compliance with this Section.

(Ord. C 7933 § 1, 2004)

14.08.250 - Abandonment of facilities.

Whenever facilities (except a service pipe or pipes) located under the surface of any right-of-way or the use of the facilities is abandoned or removed, the person owning, using, controlling or having any interest therein shall, within sixty (60) days after such abandonment, file in the office of the City Engineer a plan giving in detail the location of the facilities that were abandoned.

(Ord. C 7933 § 1, 2004)

14.08.260 - Repair of ruptured oil and gas lines.

Whenever facilities used for the transportation of oil, gasoline, gas or other petroleum products rupture in such a manner that the contents escape, the person maintaining or using the facilities shall immediately make repairs to ensure future safe operation of the facilities in accordance with Section 15.44.140 of this Code. If the office of the City Engineer is closed when the break occurs, such person may make an excavation in the right-of-way to repair the facilities without first obtaining a permit from the City Engineer. Any person making an excavation under these circumstances shall apply for a permit not later than ten o'clock (10:00) a.m. on the first day the office of the City Engineer is open following the rupture. When the facilities are near a leaking facility, the person maintaining such facilities shall uncover them for inspection if required to do so by the City Engineer.

(Ord. C 7933 § 1, 2004)

14.08.270 - Temporary occupancy standards.

Any temporary occupancy of a right-of-way subject to this Chapter shall meet the following requirements:

A.

The maximum width of the temporary occupancy including contents shall be eight feet (8'), unless otherwise approved by the City Engineer in accordance with this Chapter;

- B. The temporary occupancy shall not be located in a manner which interferes with the flow of traffic;
- C. Proper warning devices shall be provided for the temporary occupancy, to the satisfaction of the City Engineer;
- D. The temporary occupancy shall be kept in good repair, free of graffiti, and in a safe and sanitary condition;
- E. Temporary occupancy shall be located in a manner which does not interfere with visibility, vehicular mobility, or access to facilities. Locations shall be determined by the City Engineer at the time of application;
- F. Permits will be issued for a period not to exceed ninety (90) days. On expiration, a new permit must be obtained on the basis of a new application.

(Ord. C 7933 § 1, 2004)

14.08.280 - Warning lights and barricades.

A permittee shall keep and maintain barriers at each end of excavations, at such places as may be necessary along the excavation, and at the site of the improvements or temporary occupancy. Permittee shall place and maintain signs or barriers with letters not less than three inches (3") high, which state the name of the permittee. Permittee shall also place and maintain lights at ends of the excavation and at a distance of not more than fifty feet (50') along the line thereof. For improvements and temporary occupancy, permittee shall place and maintain such lights as necessary to warn the public. Permittee shall maintain the lights until the excavation has been entirely refilled or until the improvements or temporary occupancy has been completed. Any lighting required by this Section shall be operated between sunset and sunrise of the next day. If permittee fails to place and maintain such barricades and lights the City may place and maintain such barricades and lights and permittee shall promptly reimburse the City in the manner provided in Chapter 14.12.

(Ord. C 7933 § 1, 2004)

14.08.290 - Relocation of existing interferences.

Permittee shall move and relocate all interferences, including trees, poles, street lighting systems, parking meters, sewers, storm drain appurtenances and culverts located within the area of work which will interfere with the facilities, at the permittee's expense. Permittee shall obtain consent of the owner of the interference for the removal or relocation and shall furnish to the City Engineer satisfactory evidence of all necessary arrangements for removal or relocation of the interference prior to the issuance of the permit.

(Ord. C 7933 § 1, 2004)

14.08.300 - Basement appurtenances.

No person shall construct or place a freight elevator or windows for basement lighting in the sidewalk area back of the established curbline of the street; provided, however, that existing freight elevators and window lights may be repaired or replaced if, in the opinion of the City Engineer, such freight elevators and window lights do not constitute a hazard to the public.

(Ord. C 7933 § 1, 2004)

14.08.310 - Plans.

- A. Plans shall be prepared for right-of-way improvements whenever, in the opinion of the City Engineer, such plans are necessary for the proper construction and supervision of the work.
- B. When such plans are necessary, they may be prepared, at the option of the City Engineer, by a qualified licensed engineer employed by the applicant. Plans submitted by the licensed engineer must first be approved by the City Engineer before a permit is issued and work is started. The City Engineer may specify the type and quality of material on which the plans are drawn, the size of the sheets, the scale of the drawings, the size and wording of the title, the information to be shown on the plans, and all other details, including specifications, in connection therewith. All plans for the work shall become the property of the City and shall be filed in the office of the City Engineer. When the qualified licensed engineer submits the required plans, he/she shall pay to the City a processing fee in an amount prescribed by the City Council by resolution.

(Ord. C 7933 § 1, 2004)

14.08.320 - Work stoppage authorized.

Whenever the City Engineer finds that any improvement or excavation is being constructed contrary to or in violation of this Code or if it comes to the attention of the City Engineer that any work under a permit is dangerous, unsafe or a menace to life, health or property, the City Engineer shall order the work to be immediately stopped or shall order the alteration of any dangerous or unsafe condition. Such order shall be in writing and shall specify the manner in which the work is dangerous, unsafe or a menace to life, health or property. After receipt of the order the permittee shall not continue with any improvement or excavation until the work has been made to comply with this Chapter and with the instructions given by the City Engineer.

(Ord. C 7933 § 1, 2004)

CHAPTER 14.12 - EXCAVATION WARNING DEVICES

14.12.010 - Violation deemed nuisance.

For the purposes of this Chapter any obstruction, encroachment or excavation in a public street or other public place, being at any time without such device as will properly warn the public of its existence, is defined as a public nuisance.

(Prior code § 7550)

14.12.020 - Determination of nuisance.

The Director of Public Service shall, upon knowledge of the existence of any obstruction, encroachment or excavation in a public street or other public place, determine whether such constitutes a public nuisance as defined in this Chapter.

(Prior code § 7550.1)

14.12.030 - Warning device placement—Authorized.

If the Director of Public Service finds the existence of a public nuisance as defined in this Chapter, he may cause lanterns or barricades to be placed, arranged, hung or set on or about the nuisance so as to properly warn the public thereof.

(Prior code § 7550.2)

14.12.040 - Warning device placement—Fee—Amount.

The person responsible for the existence of a "public nuisance" as defined in this Chapter, shall pay to the City a fee for the services rendered under this Chapter as determined by the City Council by resolution.

(ORD-10-0014, § 19, 2010; Prior code § 7550.3)

14.12.050 - Warning device placement—Fee—Collection.

All fees charged under this Chapter shall become a debt in favor of the City and every person liable shall be amenable to action therefor in any court of competent jurisdiction.

(Prior code § 7550.4)

14.12.060 - Warning device placement—Statement of fee.

The City Manager is vested with the authority to prescribe reasonable procedures for the rendition of statements for services rendered under this Chapter and for the manner and time for payment thereof.

(Prior code § 7550.5)

14.12.070 - Liability of responsible person.

No action pursuant to the provisions of this Chapter shall be construed to relieve the person responsible for the existence of any obstruction, encroachment or excavation in the public street, sidewalk, alley or way from any liability whatsoever arising out of the existence of such condition, nor shall

any provision of this Chapter be construed to constitute an assumption of liability by the City of any duties imposed by law or contract upon any person.

(Prior code § 7550.6)

CHAPTER 14.14 - OCCUPATION OF PUBLIC WALKWAYS

14.14.010 - Definitions.

"Belmont Shore area" means both sides of Second Street from Livingston Drive to Bay Shore Avenue.

"Dining" means the consumption of food or beverage.

"Downtown area" means the area bounded northerly by the centerline of Tenth Street; westerly by the centerline of Maine Avenue north of First Street, and the centerline of Golden Avenue south of First Street and the centerline of Golden Shore and its southerly prolongation; easterly by the centerline of Lime Avenue north of First Street and the centerline of Alamitos Avenue and its southerly prolongation south of First Street; southerly by the mean high tide line of the Pacific Ocean and its prolongation across the entrance to Pacific Terrace Harbor and Queens Way Landing boat basin.

"Existing permit" means a public walkways occupancy permit that has been issued by the City Council.

"Existing permit in good standing" means a public walkways occupancy permit that has been issued by the City Council and is compliant with all laws and regulations, including the terms and conditions attached to that permit. "Existing permit in good standing" does not include a permit the term of which has expired prior to the submission of a completed application for renewal, including all required documentation.

"Minor modification of an existing permit" means a reconfiguration of the area occupied with no change to the total square footage occupied, a change in the use of the area occupied which otherwise complies with all applicable laws and regulations, or a change in the materials or equipment used within the area occupied. "Minor modification of an existing permit" does not include any increase to the total square footage occupied, unless the Director of Public Works deems such change to be negligible.

"Obstruction" means any temporary or permanent structure or stationary object, including, but not limited to, signs, displays, barriers, furniture, plants or plant containers, musical equipment, or merchandise placed on a public walkway.

"Public property" means all City property, including "public walkways", as defined in this Chapter, and public rights-of-way, and the underlayment or foundation thereof, and public improvements thereon, including landscaping on or in such property.

"Public walkways" means all or any portion of territory within the City set apart and designated for the use of the public as a thoroughfare for travel, and including alley, the sidewalks, the center and the side plots thereof.

(ORD-10-0032, § 1, 2010; Ord. C 7796 § 1, 2002; Ord. C 7580 § 1, 1998; Ord. C 6659 § 2 (part), 1989)

14.14.020 - General requirements.

- A. No person shall use or occupy the public walkway with any obstruction for any purpose without first obtaining a written permit from the City Council. Permits are not transferable. This Chapter shall not be applicable to any activity performed pursuant to and permitted by other Chapters of this Code.
- B. Permits may only be issued to owners of property directly adjoining that portion of the public walkway upon which the obstruction is to be located, or to lessees of such property with the consent of the property owner.
- C. The permit may be suspended or canceled at any time at the discretion of the Director of Public Works, in the event that it is determined that the obstruction would interfere with street improvement activities, construction activities, cleaning efforts or other similar activities. The permit may also be suspended at any time, if, in the discretion of the City Engineer or Fire Marshal, the obstruction threatens the public health or safety.
- D. Permits for occupancy may contain restrictions for hours of the day or days of the week during which the obstruction may occupy a public walkway as determined by the City Council, or as determined or modified by the Director of Public Works in his discretion with respect to an existing permit for public walkway occupancy in the Belmont Shore area only.
- E. Permits shall be issued for a period not to exceed one (1) year. Upon expiration, a new permit must be obtained on the basis of a new application. Notwithstanding the above, such permits may be terminated by the City upon thirty (30) days' notice of the City Engineer.
- F. The Director of Public Works is authorized to renew an existing permit in good standing for a one (1) year period provided either: (1) the applicant is not seeking any modification of the existing permit or (2) any modification sought by either the applicant, the City Engineer or the Fire Marshal is deemed by the Director of Public Works to be a "minor modification of an existing permit", as defined in Section 14.14.010
- G. No permit obtained under this Chapter shall excuse the permittee's obligation to obtain and comply with any other permit or license required by the City or any other regulatory agency.

(ORD-10-0032, § 2, 2010; Ord. C 7796 § 2, 2002; Ord. C 7580 § 2, 1998; Ord. C 6659 § 2 (part), 1989)

14.14.030 - Public walkways occupancy permit—Application.

A person desiring to occupy a public walkway shall file an application for such authorization with the City Engineer. The applications shall be on a form provided by the City and shall be signed by the permittee or his duly authorized agent. Any person signing the application as an agent shall furnish a written authorization executed by the permittee designating the person signing the permit as the permittee's duly authorized agent for such purpose. Such authorization will remain in full force and effect until revoked by a written document signed by the permittee and filed with the City Engineer. Such application shall be accompanied by plans satisfactory to the City Engineer, which show in detail the proposed obstruction.

(Ord. C 6659 § 2 (part), 1989)

14.14.035 - Fees, refunds and security deposits.

- A. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City, before a permit is issued, an annual fee as adopted by the City Council by resolution and specified in the fee schedule on file in the office of the City Engineer.
- B. Every applicant for a public walkway occupancy permit under this Chapter shall pay to the City a security deposit in an amount equivalent to one (1) year's fee or in such additional amount as determined by the City Council. Such security deposit shall be applied to the cost of repairing any

damage to public property attributable to the permittee's use of public property. Any balance shall be "rolled over" to apply toward the following year's security deposit until the permit is terminated or canceled, at which time the security deposit shall be applied to the cost of restoring the public property to its prior condition and the remainder, if any, refunded to the permittee.

- C. In the event that any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of his or her permit or any regulation or law, or because the permittee no longer owns or controls the property directly abutting the portion of the public walkway upon which the obstruction is located, no portion of a permit fee paid by him or her shall be refunded. If the permit is canceled by the City for any other reason, the unearned portion of the permit fee shall be refunded.

(Ord. C 7580 § 5, 1998: Ord. C 6659 § 2 (part), 1989)

14.14.040 - Public walkway occupancy standards.

Any public walkway occupancy subject to the terms of this Chapter shall conform to all of the following requirements:

- A. The minimum width of the public walkway shall be not less than ten feet (10'), and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Council on the basis of the considerations specified in this Chapter;
- B. The obstruction shall not be located in a manner which interferes with the flow of pedestrian or other traffic, or which creates a potential threat to public safety, as determined by the City Engineer or Fire Marshal;
- C. The maximum height of any such obstruction shall be six feet (6') unless otherwise approved by the City Council on the basis of considerations specified in this Chapter and all such obstructions shall be entirely portable except as specifically permitted by the City Engineer under Section 14.14.045
- D. The obstruction shall be kept in a good state of repair and in a safe, sanitary and attractive condition;
- E. The obstruction may not be located within the forty-five (45) degree line of sight triangle adjacent to street, alley or driveways unless otherwise approved by the City Council on the basis of considerations specified in this Chapter, but in no case extending beyond that portion of the permittee's property which abuts the public right-of-way;
- F. Such obstruction shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities and will not compromise the safe use of any public walkway or other right-of-way. Permitted locations shall be determined by the City Council after consideration of the above and other relevant factors in relation to the proposed site. The City Council may, in its discretion, place additional conditions upon the issuance of such permit in order to ensure the protection of the public health and welfare and public property.
- G. Minor modifications to these standards may be made by the Director of Public Works to an existing permit in good standing.

(Ord. C-7796 § 3, 2002: Ord. C-7580 § 3, 1998: Ord. C-7066 § 1, 1992: Ord. C-6659 § 2 (part), 1989)

14.14.045 - Public walkways dining permits and entertainment permits.

- A. No person may occupy or cause to be occupied any portion of the public walkway for the purpose of providing dining or entertainment except as permitted by this Chapter or as elsewhere provided for in this Code.
- B. Permits to occupy a portion of the public walkway for the purposes of dining or entertainment may contain restrictions for hours of the day or days of the week during which dining or entertainment may occur on the public walkway as determined by the City Council, or as determined or modified by the Director of Public Works in his discretion with respect to an existing permit in good standing for public walkway occupancy in the Belmont Shore area only.
- C. In addition to the other requirements set forth in this Chapter, permits to occupy a portion of the public walkway for the purpose of dining or entertainment shall conform to all of the following standards:
 - 1. All dining or entertainment areas shall be defined by placement of sturdy barriers, not to exceed forty-eight inches (48") in height, as approved by the City Engineer. Except as approved by the City Engineer and the Fire Marshal, such barriers shall be portable. Such barriers may only be affixed to public property with the prior approval or direction of the City Engineer;
 - 2. All accessories to dining or entertainment uses such as plants or planter boxes, umbrellas, podiums, menu boards, musical equipment and heaters must be located inside the barrier.
- D. All dining and entertainment which takes place on the public right-of-way shall conform to the requirements of Chapter 8.80 of this Code regarding noise. Complaints regarding noise shall be logged by City staff and may be the basis for suspension, cancellation, or nonrenewal of a permit.
- E. The permittee shall be responsible for cleaning the public walkway occupied by a dining or entertainment area.

(ORD-10-0032, § 3, 2010; Ord. C-7796 § 4, 2002; Ord. C-7580 § 6, 1998)

14.14.050 - Public walkway occupancy permits—Downtown area.

In addition to the other requirements set forth in this Chapter, the following standards for public walkway occupancy and for public walkway dining and entertainment areas apply in the downtown area:

- A. Canopy structures, including overhead structures and windbreaks, are permitted, provided such structures are approved as part of a public walkway occupancy permit and are consistent with limitations imposed by the Redevelopment Agency as part of an approved master plan or design guidelines. Such structures must comply with all applicable laws and regulations, including, but not limited to, all fire, health, and building code regulations, and shall be a medium-toned beige or shall match the color of the adjacent building. Signage on or adjacent to a canopy structure shall be limited to business identification signs and shall be included in the calculation of total signage permitted pursuant to Chapter 21.44 of this Code.
- B. Unless otherwise approved by the City Engineer, barriers must be affixed to the sidewalk. The manner of affixing such barriers is subject to the prior approval of the City Engineer.
- C. Temporary banners, not exceeding the height of the barrier and attached to the barrier are permitted for a two (2) week period no more than four (4) times per year.
- D. Menu boards must be portable, located within the dining area, and must not exceed five feet (5'), six inches (6") tall. Menu boards may be either a single pole pedestal of painted metal or a board attached to the inside of the barrier, parallel to the barrier.
- E. A-frame signs, television monitors, and canopies are not permitted at any location on the public walkway.

14.14.055 - Entertainment on the public right-of-way.

- A. No person shall perform or cause to be performed any entertainment activity on the public right-of-way without first obtaining a public walkways occupancy permit which permits such entertainment.
- B. In the downtown area, nonamplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. until twelve o'clock (12:00) midnight each day. Amplified outdoor entertainment is permitted from five o'clock (5:00) p.m. to twelve o'clock (12:00) midnight Monday through Friday, except if such day is a holiday. Amplified outdoor entertainment is permitted from ten o'clock (10:00) a.m. to twelve o'clock (12:00) midnight on Saturday, Sunday and holidays.
- C. This Section shall not apply to any holder of a permit issued pursuant to Chapter 5.60 or Section 14.04.070 of this Code. Nothing in this Section shall operate to modify any requirement of Chapter 3.80 or 5.72 of this Code.

(Ord. C-7626 § 1, 1999)

14.14.060 - Public walkways occupancy permit—Failure to obtain.

- A. Any person who occupies any public sidewalk with any "obstruction," as defined herein, prior to obtaining a permit therefor, shall pay a fee double the fee calculated by the method prescribed in this Chapter.
- B. The payment of the additional fee shall not relieve such person from the obligations imposed by this Chapter, or from penalties prescribed herein.

(Ord. C-6659 § 2 (part), 1989)

14.14.070 - Indemnification of City.

A permit issued for public walkway occupancy under this Chapter shall provide that the permittee shall defend, indemnify, save and keep the City, its officers, agents and employees free and harmless from and against any and all claims for injury, damage, loss, liability, cost and expense of any name or nature whatsoever which the City, its officers, agents and employees may suffer, sustain, incur, or pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made or filed against the City, its officers, agents and employees, by reason of or arising out of, or in any manner connected with, any and all operations authorized or permitted by the permit.

(Ord. C 6659 § 2 (part), 1989)

14.14.080 - Insurance.

- A. Concurrent with the issuance of the permit, the permittee shall procure and maintain, at its cost, during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040
- B. Insurance required herein shall not be deemed to limit the permittee's liability under this permit.
- C. Permittee shall keep the insurance in full force and effect during the term of any public walkway occupancy permit issued pursuant to this Chapter. No permit granted pursuant to this Chapter shall be effective until the permittee has complied with all insurance requirements.
- D. Any public walkway occupancy permit so terminated may be reinstated only upon application therefor submitted and approved by the City and upon the payment of twenty dollars (\$20.00) per day for every day on which no insurance was provided and also upon payment of all sums due and unpaid to the City under the provisions of this Chapter, as well as full indemnification during the uninsured period.

(Ord. C 7934 § 18, 2004; Ord. C 7066 § 2, 1992; Ord. C 6659 § 2 (part), 1989)

14.14.090 - Default.

Upon the termination of the public walkway occupancy permit by reason of the failure of the permittee to comply with the provisions of this Chapter, the City may notify the permittee in writing of the default and specify the time within which the default is to be remedied. If the permittee fails or refuses to remedy the default within the period of time specified, the right of permittee to use the public walkway shall cease and the City shall have the right to remove the public walkway obstruction as provided under this Chapter. The permittee shall reimburse the City for any expense incurred by the City in removing the obstruction. Should the permittee continue to use the public walkway after the permit has been terminated and should the City file suit to restrain the use of the public walkway by permittee, the permittee shall reimburse the City for its reasonable costs and expenses in connection therewith, including a reasonable Attorney fee.

(Ord. C 6659 § 2 (part), 1989)

14.14.100 - Revocation and nonrenewal.

- A. The City Council may revoke, refuse to issue or renew a public walkway occupancy permit if such person has failed or refused:
 - 1. To pay any fees for permits, security deposits or charges as established by the City Council;
 - 2. To repair public improvements damaged as a result of the occupancy of the public walkway;
 - 3. To comply with the terms of this Chapter or of a permit granted hereunder.
- B. The City Council may also refuse to issue or renew a permit for public walkway occupancy in an area where such occupancy will be inconsistent with the public's use of the public walkway, access needs or the use of any property located adjacent to the public walkway.

(Ord. C 7580 § 7, 1998; Ord. C 6659 § 2 (part), 1989)

14.14.110 - Appeal—City Council.

Except for minor modifications to an existing permit, any other determination or modification to an existing permit made by the Director of Public Works may be appealed to the City Council within ten (10) calendar days from the date of such determination or modification in the manner provided in this Section.

- A. The request for appeal shall be in writing, shall set forth the specific ground(s) on which it is based and shall be submitted to the Director of Public Works.
- B. If the appeal is made by a permittee involving such permittee's existing permit, such appeal shall be accompanied by an appeal deposit in an amount determined by the City Council by resolution. For appeals made by any person other than the permittee, there shall be no required appeal deposit.
- C. The City Council shall conduct a hearing on the appeal or refer the matter to a Hearing Officer, pursuant to Chapter 2.93 of this Code, within sixty (60) business days from the date the completed request for appeal was received by the Director of Public Works, except where good cause exists to extend this period. The appellant shall be given at least ten (10) business days written notice of such hearing. The hearing and rules of evidence shall be conducted pursuant to Chapter 2.93 of this Code. The determination of the City Council on the appeal shall be final.

(ORD-10-0032, § 4, 2010)

CHAPTER 14.16 - BENCHES

14.16.010 - Definitions.

For the purposes of this Chapter, certain terms, phrases and words, shall be construed as set out in this Section:

- A. "Bench" means a seat located upon public property along any public street for the accommodation of passersby or persons awaiting transportation.
- B. "City" means the City of Long Beach.
- C. "Street" means any public thoroughfare or way, including the curb, sidewalk, parkway, and any other public property.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531)

14.16.020 - Compliance required.

No person shall install or maintain any bench on the streets and ways of the City without full compliance with the provisions of this Chapter and the rules and regulations of the City Council governing same.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.1)

14.16.030 - Permit required.

No person shall install or maintain any bench on any street without a permit therefor from the City Council. The City Manager or his designee shall have the authority to authorize and issue the permits, and to revoke any such issued permit in the event of any violation of any of the provisions of this Chapter or any regulation of the City Council made pursuant thereto. Any such revocation shall be subject to ratification of the City Council at its next regular meeting.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.2)

14.16.050 - Removal procedure.

- A. Any bench on public property not permitted by this Chapter shall be removed by the owner of the bench within ten (10) days after receipt of written notice sent by registered or certified mail from the City Manager or his designee stating that the bench is not permitted and must be removed.
 - 1. The owner of the bench, within ten (10) days of the receipt of the notice of removal, shall remove the bench or shall deliver an appeal in writing to the City Manager or his designee stating why the owner believes the bench should not be removed; and the matter then be set for hearing before the City Council at its next meeting, but not sooner than ten (10) days after receipt of the appeal.
 - 2. The City Council shall hear any such appeal and shall make a determination that the bench should be removed, or not, and any action of the City Council shall be final. Should the City Council find that the bench should be removed, the owner shall remove the bench within ten (10) days after the ruling of the City Council. Failure of the appellant or a duly appointed

representative to appear at the hearing or to give good reason why the hearing should be postponed shall be sufficient grounds for the City Council to find that the bench shall be removed, as demanded by the City Manager or his designee.

3. If the owner of a bench fails to remove the bench within ten (10) days after receipt of due notice of removal, or order of the City Council, the City Manager or his designee shall cause the bench to be removed and impounded. The owner of the bench shall be notified that the bench has been impounded.
 4. Within sixty (60) days of the impoundment of a bench, the owner of the bench may recover the bench by paying to the City an impoundment fee and storage fee as determined by the City Council by resolution for each thirty (30) days, or fraction thereof, the bench has been impounded. The fees shall apply to each bench removed, impounded, and stored.
- B. If the owner of a bench cannot be ascertained, then written notice shall be attached to any nonpermitted bench, stating the bench is not permitted and must be removed. No person shall remove the notice while the bench is placed on City streets without a permit as required by Section 14.16.030
1. Within ten (10) days of the posting of the notice, the owner shall either remove the bench or appeal to the City Council in the manner set forth in Subsection 14.16.050.A.1 of this Section. In the event the owner does not so remove the bench, or appeal to the City Council, the City Manager or his designee shall cause the bench to be removed and impounded.
 2. Any bench so impounded may be recovered by the owner within sixty (60) days after the impoundment thereof by paying the office of the City Council the fees set forth in Subsection 14.16.050.A.4 of this Section.
- C. Within sixty (60) days after the impoundment of any bench, the owner may appeal to the City Council for hearing. The City Council, after hearing and showing of good cause therefor, may allow the recovery of any impounded bench without payment of the impoundment fees or payment of reduced impoundment fees and in accordance with such other conditions as the City Council may impose.
- D. In the event a bench has been stored sixty (60) days and no appeal has been made to the City Council, or the owner of the bench has not complied with the order of the City Council following the appeal, the bench shall become the property of the City and the City may use or dispose of the bench in a manner deemed appropriate.
- E. Any order by the City Council in regard to the removal of any bench shall be final.

(ORD-10-0014, § 20, 2010; Ord. C 5691 § 2 (part), 1981; prior code § 7531.4)

14.16.060 - Rules and regulations.

The City Council shall have authority to establish rules and regulations governing the size, weight, type of construction, placement, identification markings, maintenance standards of benches, and such other rules and regulations as necessary to carry out the provisions of this Chapter.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.5)

14.16.070 - Enforcement.

The City Council shall enforce the provisions of this Chapter and shall have complete authority over the installation and maintenance of benches, subject to the provisions of this Chapter.

(Ord. C 5691 § 2 (part), 1981; prior code § 7531.6)

14.16.080 - Insurance.

At all times permittee shall defend, indemnify, and hold harmless the City, its officials, employees and agents from and against all claims, demands, damage, causes of action, proceedings, loss, liability, costs and expenses (including reasonable Attorney fees) of any kind (collectively in this Section, "claim") alleging injury to or death of persons or damage to property and that such injury, death or damage arises from or is attributable to or caused by the installation and maintenance of any bench or benches authorized pursuant to this Chapter. Permittee shall procure and maintain, at its sole cost, during the term of the permit and any renewals thereof insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.

(Ord. C 7934 § 19, 2004; Ord. C 7214 § 1, 1994; Ord. C 5691 § 2 (part), 1981; prior code § 7531.7)

14.16.090 - Standards for issuance of bench permits.

Privately owned benches placed within the public right-of-way intended for the use of the general public shall adhere to the standards set forth in this Section. This Section shall not apply to benches placed by public transit agencies intended primarily for the use of bus transit passengers.

- A. Bench permits shall specify location of benches on the public walkways. Benches shall be located in a manner which will not interfere with vehicle and pedestrian visibility, pedestrian use of the sidewalk, the use of any building exits, or access to public utility, fire protection equipment, or other City facilities.
- B. Bench permits shall only be issued to owners and/or lessees of the property directly abutting the portion of the public street upon which the bench is proposed to be placed. Approved benches shall be placed immediately adjacent to the privately owned property, or as otherwise approved by the Director of Public Works.
- C. The minimum clear distance from any point on the bench to the vertical plane of the curb face, measured parallel to the sidewalk, shall be seven feet (7') Where other obstructions exist in the vicinity of the bench area, a minimum clear horizontal distance of seven feet (7') shall be maintained between the bench and any obstructions.
- D. Benches may not be located within five feet (5') of an intersecting street (measured to the prolongation of the near property line of the intersecting street) or within five feet (5') of a driveway or alley (measured to the nearest portion of an apron type driveway or to the beginning curb return of the near curb of the driveway).
- E. Local business associations shall be encouraged to establish a uniform bench style for benches located in their association areas. Bench design must be aesthetically pleasing and consistent with neighborhood character.
- F. Benches permitted under this Chapter shall be well constructed of high quality materials and kept in a sanitary condition and good state of repair. Benches may not be upholstered or cushioned. Benches shall have a maximum back height of three feet (3'), a maximum length of six feet (6'), and a maximum weight of two hundred fifty (250) pounds, unless otherwise approved by the Director of Public Works, where such variation would be reasonable and appropriate in the specific circumstances and would not compromise public health, safety or welfare.
- G. Bench proposals shall be submitted with a photograph or manufacturer's drawing of the bench and bench specifications including dimensions (length, depth, height), weight, and manufacturer's name and model number. Prior to the issuance of a permit and the installation of the bench, the proposed bench shall be reviewed as to sufficiency for public use by the Department of Public Works.

- H. No signage, advertising, or business logos shall be readily visible to passersby. Bench owners shall identify their benches with their name and mailing address on the back or the underside of the bench. Use of benches by the general public may not be limited or prohibited.
- I. Bench permits may be suspended or revoked by the City in the interest of the public safety and convenience, including, but not limited to, such circumstances as sidewalk cleaning or construction activities, installation of conflicting utility or streetscape facilities, and complaints regarding obstruction and/or interference with public use.
- J. When a bench is removed from the public right-of-way, by order of the City, or otherwise, the surface of the sidewalk shall be restored to its original condition or better, to the satisfaction of the Director of Public Works.

(Ord. C-7214 § 2, 1994)

CHAPTER 14.20 - NEWSRACKS

14.20.010 - Definitions.

- A. For the purposes of this Chapter, the terms "exhibit", "harmful matter", "knowingly", "matter", "minor", and "person" shall each have that definition ascribed to it in California Penal Code Section 313, as it may be amended from time to time.
- B. "Newsrack" means any self-service box or container installed or located in the public right-of-way and intended to be used for the distribution of printed material, with or without charge. A newsrack may be a single unit or a publication container which rests on or is affixed to the uppermost surface of a newsrack base.
- C. "Newsrack base" means a pedestal or other device on which a publication container rests or is affixed.
- D. "Parkway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway also includes any area within a roadway which is not open to vehicular travel.
- E. "Pilot program", for the purposes of this Chapter, means a temporary program in a defined area which is subject to periodic review by the City Council.
- F. "Roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.
- G. "Sidewalk" means any surface provided for the exclusive use of pedestrians.
- H. "Street" means all that area dedicated to public use purposes and includes, but is not limited to, roadways, parkways, alleys and sidewalks.
- I. "Standard pilot program newsrack" means a newsrack which meets the standards set for a pilot program.

(Ord. C-7929 § 1, 2004)

14.20.020 - Roadway obstruction prohibited.

No person shall install, use or maintain any newsrack or other structure which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

(Ord. C-7929 § 1, 2004)

14.20.030 - Obstruction of sidewalk use prohibited.

No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property, or when the site or location is used for public utility purposes, public transportation purposes or other governmental use, or when the newsrack interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicles, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near the location, or when the newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

(Ord. C-7929 § 1, 2004)

14.20.040 - Placement regulations.

Any newsrack which in whole or in part rests upon, in or over any public street, shall comply with following standards:

- A. No newsrack shall exceed five feet (5') in height, thirty inches (30") in width, or two feet (2') in thickness.
- B. Newsracks shall only be placed near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eighteen inches (18"), nor more than twenty-four inches (24") from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to the wall and not more than six inches (6") from the wall. No newsracks shall be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack.
- C. No newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack or to any permanently fixed object, except with the written permission of the owner of such property or permanently fixed object.
- D. Newsracks may be chained or otherwise attached to one another; however, no more than three (3) newsracks may be joined together in this manner, and a space of no less than eighteen inches (18") shall separate each group of three (3) newsracks so attached. For the purposes of determining how many newsracks may be attached to one another or placed adjacent to one another, the following shall apply:
 - 1. Each unit consisting of one (1) publication container and one (1) newsrack base, or incorporating both functions in one (1) unit, shall be considered one (1) newsrack.
 - 2. Two (2) publication containers stacked vertically and sharing one (1) newsrack base shall be considered one (1) newsrack.
 - 3. If two (2) or more publication containers are joined horizontally, each publication container shall be considered to be one (1) newsrack.
- E. No newsrack or group of attached newsracks allowed under Subsection 14.20.040.D shall weigh, in the aggregate, in excess of one hundred twenty-five (125) pounds when empty.
- F. Notwithstanding the provisions of Section 14.20.020, no newsrack shall be placed, installed, used or maintained:
 - 1. Within three feet (3') of any marked crosswalk;
 - 2. Within fifteen feet (15') of the curb return of any unmarked crosswalk;
 - 3. Within three feet (3') of any fire hydrant, fire call box, police call box or other emergency facility;
 - 4. Within three feet (3') ahead of, and fifteen feet (15') to the rear of any sign marking a designated bus stop;
 - 5. Within three feet (3') of any bus bench;
 - 6. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet (6');
 - 7. Within one foot (1') of any area improved with lawn, flowers, shrubs or trees or within one foot (1') of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.

- G. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
- H. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times. Cleaning and maintenance shall be performed in a manner which complies with all applicable laws and regulations.
- I. No person shall knowingly cause any publication offered for sale from a newsrack placed or maintained on a public street to be displayed or exhibited in a manner which exposes to public view by minors any harmful matter, as defined in Penal Code Section 313, as it may be amended from time to time.

(Ord. C-7929 § 1, 2004)

14.20.050 - Identification required.

- A. Every person or other entity which places or maintains a newsrack on the streets of the City shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen.
- B. Every person or other entity which places or maintains one (1) or more newsracks on the streets of the City shall notify the City of Long Beach Department of Public Works prior to the initial placement, or within thirty (30) days of the effective date of this ordinance as amended, providing the name of the responsible party, the name of the publication(s) to be placed, and an email address for contacting the responsible party. This email address shall only be used for notifications of required newsrack maintenance instances and changes to the Long Beach City Municipal Code regarding newsracks. Whenever names of publications are changed or added to, the City shall be notified. The City shall be notified of any change to an email point of contact within five (5) business days of such change.

(ORD-11-0014, § 1, 2011; Ord. C-7929 § 1, 2004)

14.20.060 - Violation—Removal.

Any newsrack installed, used or maintained in violation of the provisions of this Chapter may be removed and stored in any convenient place by the City Manager or a City officer or employee designated by him, but only upon notice first served on the owner by attaching to the newsrack a written citation reciting the violation. Notice of the violation shall also be transmitted by electronic mail to the electronic mail address currently on file with the Director of Public Works in compliance with Section 14.20.050. If the owner fails to cure the violation within five (5) business days of service of violation, or if the owner fails to request a hearing as provided in Section 14.20.080, as to whether the newsrack is in violation of this Chapter, the City Manager or his designee shall remove and store the newsrack in a convenient place. Upon failure of the owner to claim the newsrack and pay the expenses of removal and storage within thirty (30) days after such removal, the newsrack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to the provisions of Section 2.78.020. Any newsrack found in such condition to present a hazard to public safety will be removed by the City Manager or his designee immediately.

(ORD-11-0014, § 2, 2011; Ord. C-7929 § 1, 2004)

14.20.070 - Violation—Restoration to compliance.

In the case of violations of the section relative to restrictions upon attachments of newsracks to property other than that owned by the owner of the newsrack, to fixed objects or each other, and upon location of newsracks, any public body or officer may, as an alternative to removal under Section 14.20.060, remove the attachment and/or move the rack or racks in order to restore them to a legal condition.

(Ord. C-7929 § 1, 2004)

14.20.080 - Appeal—Director of Public Works.

Any owner of a newsrack alleged to be in violation of this Chapter may, within five (5) business days of service of notice of violation as provided in Section 14.20.060, request in writing a hearing before the Director of Public Works of the City or his designee for the purpose of determining whether the newsrack of the owner is in fact in violation of this Chapter. The written request for hearing shall be filed with the Director of Public Works within the time provided and the hearing thereon shall be conducted not less than five (5), nor more than ten (10) days following the date of filing the request for hearing. The Director of Public Works or his designee shall notify the owner by mail of the time and place of the hearing. At the conclusion of the hearing, or within five (5) days thereafter, the Director of Public Works or his designee shall find and determine from the facts established at the hearing whether or not the newsrack is in fact in violation of this Chapter and is to be impounded. The Director of Public Works or his designee shall notify the owner of his or her decision and order by mail if the decision is not made at the conclusion of the hearing and in the presence of the participants to the hearing.

(ORD-11-0014, § 3, 2011; Ord. C-7929 § 1, 2004)

14.20.090 - Appeal—City Council.

Any owner may, within ten (10) days after the mailing of the notice of decision and order of the Director of Public Works, appeal the decision and order to the City Council in the manner provided in this Section.

- A. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is to be based and shall be filed with the Director of Public Works. The Director of Public Works shall forward the appeal, together with a copy of the decision and order, to the City Clerk.
- B. Upon receipt of the appeal and decision and order, the City Clerk shall place the matter upon the agenda for the next meeting of the City Council. Upon the filing of the appeal before the City Council, the City Council shall fix a time and place for the hearing on appeal. Such time shall be fixed for a day not later than thirty (30) days after the date of filing the appeal. A notice of the time and place of the hearing on appeal shall be sent to the owner or his or her designated agent.
- C. At the hearing on appeal, the owner shall be given an opportunity to present competent, relevant and material evidence relating to the question as to whether or not the decision and order of the Director of Public Works should be affirmed or reversed. The hearing on appeal shall be conducted in accordance with the provisions of Chapter 2.93
- D. The decision of the City Council may be rendered orally or in writing at the conclusion of the hearing or at any time thereafter, and the decision shall be final. In the event the decision is rendered at the hearing, no further notice thereof needs to be given to the owner or any other person. If the decision is not rendered at the hearing, written notice of the decision shall be mailed to the owner or his or her designated agent.

(Ord. C-7929 § 1, 2004)

14.20.100 - Violation—Summary removal.

Any newsrack installed, used or maintained in violation of the provisions of Sections 14.20.080 and 14.20.090 shall be summarily removed and stored in any convenient place by the City Manager or a City officer or employee designated by him or her. Upon failure of the owner to claim the newsrack and pay the expenses of removal and storage within thirty (30) days after removal, the newsrack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to provisions of Section 2.78.020.

(Ord. C-7929 § 1, 2004)

14.20.200 - Belmont Shore pilot program area—Additional requirements.

- A. The Belmont Shore pilot program area consists of Second Street between the centerline of Livingston Avenue and the easterly line of Bay Shore Avenue, including the intersecting cross streets between those westerly and easterly limits, from Second Street to the nearest intersecting alley or street line, both northerly and southerly of Second Street.
- B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 above, the following additional requirements shall apply in the Belmont Shore pilot program area:
 - 1. The standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curbline) or twenty-five inches (25") in width (parallel to the curbline), either the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or an approved equal publication container and newsrack base, as determined by the City Engineer. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "valley blue" (stock color number 3312) Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.
 - 2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
 - 3. Newsracks within the pilot program area which do not conform to the requirements of this Section at any time shall be subject to the enforcement provisions of this Chapter.
 - 4. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Belmont Shore pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer.
 - 5. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control in the Belmont Shore pilot program area.

- C. This Section shall remain in effect until revoked by City Council.

(ORD-13-0001, § 1, 2013; ORD-08-0009 § 1, 2008; ORD-07-0028 § 1, 2007; ORD-06-0023 § 1, 2006; ORD-05-0017 § 1, 2005; Ord. C-7929 § 1, 2004)

14.20.210 - Downtown pilot program area.

- A. Both sides of Ocean Boulevard and the area to the north up to and including both sides of Tenth Street, lying on either side and/or east of Golden Avenue and lying on either side of or west of Alamitos Avenue, except for that area north of Fourth Street and west of Pacific Avenue AND except

for that area north of Fourth Street and east of Long Beach Boulevard. Note that both sides of Fourth Street, Pacific Avenue and Long Beach Boulevard within the above-defined limits are included within the downtown pilot program area.

- B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 of this Chapter, the following additional requirements shall apply in the downtown pilot program area:
1. All newsracks within the downtown pilot program area shall be either the K-Jack 100 flat top model or an approved equal. The total height of the newsrack shall not exceed forty-eight inches (48") The City Engineer in his or her sole authority shall determine what constitutes an approved equal of the items specified in this Section.
 2. Plastic newsracks are prohibited.
 3. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
 4. Notwithstanding other provisions in this Section to the minimum spacing required between newsracks, in the downtown pilot program area, the minimum spacing between two (2) single newsracks, between a single newsrack and a group of newsracks, or between two (2) groups of newsracks shall be five feet (5').
 5. Newsracks within the pilot program area which do not conform to the requirements of this Section shall be subject to the enforcement provisions of this Chapter.
 6. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control the downtown pilot program area.
- C. This Section shall remain in effect until revoked by the City Council.

(ORD-11-0014, § 4, 2011; ORD-06-0047 § 1, 2006; ORD-05-0016 § 1, 2005; Ord. C-7929 § 1, 2004)

14.20.220 - Naples Island pilot program area—Additional requirements.

- A. The Naples Island pilot program area consists of both sides of Second Street from the Toledo to Appian Way.
- B. In addition to the requirements set forth in Sections 14.20.010 through 14.20.100 of this Chapter, the following additional requirements shall apply in the Naples Island pilot program area:
1. All newsracks within the Naples Island pilot program area:
 - a. Shall be K-Jack flat top model or an approved equal, and shall be mounted on a single pedestal;
 - b. Shall be limited to no more than two (2) groups of three (3), within forty-five (45) linear feet of the sidewalk; and
 - c. Each group of newsracks shall be separated by at least five feet (5').
 2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
 3. Newsracks within the pilot program area which do not conform to the requirements of this Section at any time shall be subject to the enforcement provisions of this Chapter.
 4. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Naples Island pilot program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City

Engineer. Where the sidewalk is composed of shallow pavers on a sand base, newsracks shall not be bolted, but shall be placed on a self-supporting platform, all to the satisfaction of the City Engineer.

5. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control the Naples Island pilot program area.

C. This Section shall remain in effect until revoked by City Council.

(ORD-13-0001, § 2, 2013; ORD-08-0037, § 1, 2008)

14.20.300 - Queens Way Bay newsrack program area—Additional requirements.

- A. The Queens Way Bay newsrack program area consists of that area lying south of the south curb face of Shoreline Drive, east of the east curb face of Queens Way, west of the westerly boundary of the Shoreline Village lease area, and north of the water's edge, as shown on a map on file in the office of the City Engineer.
- B. The following requirements shall apply in the Queens Way Bay newsrack program area:
 1. The standard pilot program newsrack shall have a flat top surface and shall not exceed forty-eight inches (48") in height, twenty-five inches (25") in depth (perpendicular to the curb line) or twenty-five inches (25") in width (parallel to the curb line), either the publication container and newsrack base manufactured by the K-Jack Engineering Company, model series 50, or an approved equal publication container and newsrack base, as determined by the City Engineer. The standard pilot program project newsrack shall be painted a color equivalent to K-Jack Engineering Company's "valley blue" (stock color number 3312). Nonconforming colors shall be limited to the display areas provided on the front and back of the standard pilot program newsrack.
 2. The City Engineer shall maintain and make available for inspection a list of newsracks determined to be approved equal products of the standard pilot program newsrack.
 3. Notwithstanding other references in this Code to the prohibition of the fastening of equipment or structures to the public right-of-way, newsracks within the Queens Way Bay newsrack program area must be bolted to the sidewalk pursuant to the requirements and under the direction of the City Engineer.
 4. In the event of a conflict between the requirements of this Section and the general requirements for newsracks contained elsewhere in this Chapter, this Section shall control in the Queens Way Bay newsrack program area.
 5. In addition to complying with the placement regulations of Section 14.20.040, newsracks within the Queens Way Bay newsrack program area shall be limited to the following locations:
 - a. On the sidewalk along the south side of Shoreline Drive, east of its intersection with Pine Avenue Circle, no less than sixty-five feet (65'), nor more than eighty-three feet (83') east of the easterly curb of Pine Avenue and its prolongation northerly, measured parallel to the Shoreline Drive curb, and no less than three feet (3'), nor more than five feet (5') from the edge of that curb.
 - b. On the sidewalk of the Pine Avenue Circle, easterly of the northerly prolongation of the east side of the boardwalk, and southwesterly of the nearest streetlight standard, no less than two feet (2'), nor more than four feet (4') from the edge of that curb.
 - c.

On the westerly sidewalk of the Pine Avenue Circle, northerly of the easterly prolongation of the most southerly line of parcel 3 of parcel map 25804, and southerly of the nearest streetlight standard to the north, no less than two feet (2'), nor more than four feet (4') from the edge of that curb.

- d. On the public sidewalk at the southwesterly intersection of Shoreline Drive and Pine Circle, easterly of the northwest edge of paving and northerly of the east-west edge of paving, at that intersection.
- e. East of the edge of paving of that brick paved area south of the west end of the east branch of Aquarium Way (east of the circle fountain), and north of floating dock 2, lying between the two (2), two-walled utility enclosures, no more than eighteen feet (18') distant from, nor less than eight feet (8') distant from, the most westerly point of the east utility enclosure, and no more than four feet (4') distant from the edge of paving.
- f. On the sidewalk along the north side of the west branch of Aquarium Way (west of the circle fountain), westerly of the crosswalk leading from the southeast or main entrance to the Aquarium Circle parking garage, no more than fifteen feet (15') distant from the westerly line of that crosswalk, and no less than two feet (2'), nor more than four feet (4') from the edge of the curb.
- g. On the sidewalk along the south side of the west branch of Aquarium Way (west of the circle fountain), westerly of the crosswalk leading from the southeast or main entrance to the Aquarium Circle parking garage, no more than twelve feet (12') distant from the westerly line of that crosswalk, and no less than two feet (2'), nor more than four feet (4') from the edge of the curb.
- h. Northerly of the northeasterly wall of the Long Beach Anglers building at Pierpoint Landing, such wall being concave northeasterly, and easterly of the main entrance, no more than three feet (3') from the surface of that northeasterly wall adjacent to the entrance.
- i. At the circular stair terminus of the Promenade Bridge south of Shoreline Drive, adjacent to the northwesterly surface of the most southwesterly outer radial wall segment of the terminus, such wall segment bearing approximately south forty-five (45) degrees west of the terminus center, no more than three feet (3') from the northwesterly surface.
- j. At the circular stair terminus of the Promenade Bridge south of Shoreline Drive, adjacent to the northeasterly surface of the most southeasterly outer radial wall segment of the terminus, such wall segment bearing approximately south forty-five (45) degrees east of the terminus center, no more than three feet (3') from the northeasterly surface.

(Ord. C-7929 § 1, 2004)

CHAPTER 14.24 - RAILROADS OBSTRUCTING STREETS

14.24.010 - Blocking crossings prohibited.

No person shall allow any locomotive engine, railroad train, electric train, car or cars or other vehicle operated by steam or electricity on railroad tracks to stand on any street crossing for a greater length of time than five (5) minutes, or to remain standing on any track, sidewalk or switch located on or along any public street or other public place for a greater length of time than twenty (20) minutes; provided, however, that freight cars may be permitted to stand on sidetracks and switches for the purpose of unloading building materials and materials for street improvement upon obtaining a written permit from the Director of Public Service so to do; and provided further, that freight cars may be permitted to stand on sidetracks and switches in front of and immediately contiguous to freight depots then being used as such and on commercial sidetracks constructed for, and in use by, business enterprises.

(Prior code § 7534.3)

14.24.020 - Offensive substance discharge prohibited.

No person shall load, unload, discharge or deposit upon or along the line of any railroad or along any public street or other public place any manure, offal or other offensive or nauseous substance or allow any car or wagon having therein or thereupon any such substances to remain or stand upon or along any railroad or upon or along any public street or other public place.

(Prior code § 7534.4)

14.24.030 - Discharging steam on streets prohibited.

No person shall expel, discharge or blow off any steam or other mist forming vapor from any locomotive engine into, upon, along or across any public street.

(Prior code § 7534.5)

14.24.040 - Unnecessary noise.

No person shall allow the ringing of engine bells and the blowing of engine whistles when not in motion and unnecessarily.

(Prior code § 7534.6)

14.24.050 - Freight car switching hours.

No person shall switch any freight car or freight cars except between the hours of 7:00 a.m. and 11:00 a.m. of any day; provided, that the provisions of this Section shall not apply to the switching of freight cars in any industrial district.

(Prior code § 7534.7)

14.24.060 - Crossing signal resolution—Authorized.

Whenever, in the opinion of the Council, the public safety or welfare may require the stationing of flagmen or the placing of automatic warning signals or signal bells in, at or upon any street or streets crossed by the tracks of any railroad company or companies, the Council may adopt a resolution of

necessity finding and determining that the public safety and welfare so require the stationing of such flagmen or the placing of such automatic warning signals or signal bells designating the streets crossed by the tracks of the railroad company or companies and in, at or which the flagmen are to be stationed or the automatic warning signals or signal bells are to be placed, naming the railroad company or companies the tracks of which cross the streets mentioned, describing generally the number, type and location of automatic warning signals or signal bells to be placed or the number of flagmen to be stationed at each such crossing and the hours during which the flagmen shall be maintained, and fixing a day and hour not less than fifteen (15) days from the date of the adoption of the resolution at which the railroad company or companies may appear before the Council and show cause why the Council should not order the stationing of the flagmen or the placing of the automatic warning signals or signal bells. Any number of streets and any number of railroad companies may be included in the same resolution.

(Prior code § 7534.8)

14.24.070 - Crossing signal resolution—Copy service.

A certified copy of the resolution of necessity shall be served upon each of the railroad companies named therein in the same manner as the service of a summons, at least five (5) days prior to the date set therein at which the railroad company or companies may appear and show cause.

(Prior code § 7534.9)

14.24.080 - Crossing signal resolution—Appeal hearing.

At the day and hour mentioned in the resolution of necessity, the railroad company or companies may appear before the Council and show cause, if they have any, why the Council should not order the stationing of flagmen or the placing of automatic warning signals or signal bells as described in the resolution of necessity. At such time the Council shall hear the railroad company or companies and all persons interested therein.

(Prior code § 7534.10)

14.24.090 - Crossing signal resolution—Compliance—Order.

If upon the hearing provided for in the resolution of necessity, or at any time to which the same may be continued, the Council finds and determines, by order entered upon its minutes, that the cause shown by the railroad company or companies, or any persons interested therein, if any, is not sufficient and that the stationing of the flagmen or the placing of the automatic warning signals or signal bells or any part thereof should be ordered, then, at any time within ninety (90) days thereafter, the Council may adopt a resolution ordering the railroad company or companies named in the resolution of necessity to station flagmen or place automatic warning signals or signal bells or any part thereof at the street crossings in accordance with the requirements of the resolution of necessity.

(Prior code § 7534.11)

14.24.100 - Crossing signal resolution—Compliance—Time limit.

A certified copy of the resolution ordering shall be served upon each of the railroad companies named in the resolution of necessity in the same manner as the service of a summons, and thereafter the railroad company or companies shall station the flagmen within fifteen (15) days after the service of the certified copy of the resolution ordering, or shall commence, within the fifteen (15) days, and thereafter diligently prosecute to completion, the placing of the automatic warning signals or signal bells, as the case may be.

(Prior code § 7534.12)

CHAPTER 14.28 - TREES AND SHRUBS

FOOTNOTE(S):

--- (3) ---

State Law reference— Provisions on the planting of trees along public streets, Str. and H.C. § 22000 et seq.

14.28.010 - Definitions.

The following words, as used in this Chapter, have the significance attached to them in this Section, unless the context clearly requires a different meaning:

- A. "Director of Public Works" or "Director" means the person having control of the Public Works Department of the City or his designated representative.
- B. "Groundcover" means grass, turf, or perennial plants that normally grow horizontally so as to conceal the ground surface, and that do not exceed eight inches (8") in height, and that will tolerate light pedestrian traffic.
- C. "Maintain" means to prune, spray, brace, stake, treat for disease or injury, or perform other work to promote the life, growth, health or beauty of trees or shrubs, but does not include the watering or fertilizing of such plants.
- D. "Recommended tree" means a tree designated or determined by the Director of Public Works to be the best suited to plant in a given location due to certain desirable characteristics of appearance, growth, root structure and adaptability to local conditions.
- E. "Shrub" means and includes any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground level up.
- F. "Tree" means and includes any woody plant, normally having one (1) stem or trunk, bearing the foliage or crown well above ground level to heights of sixteen feet (16') or more upon maturity.

(Ord. C-7642 § 1, 1999: prior code § 7510)

14.28.020 - Planting.

The Director of Public Works shall regulate and control the planting or removal of trees planted along any City street. The Director shall designate the species, kind, number, spacing and method of planting.

No tree shall be planted closer than twenty-five feet (25') to another tree, or closer than fifteen feet (15') to any utility pole or light standard, or nearer than five feet (5') to any fire hydrant, water meter or gas meter, or closer than twenty feet (20') from the curb radius centers of any street intersection. No tree shall be planted in a planting strip which is less than thirty inches (30") in width between the sidewalk and curb, except that upon the approval of the Director of Public Works recommended trees designated by him may be planted in a planting strip between the sidewalk and curb which is less than thirty inches (30") in width but more than twenty-four inches (24") in width.

(Ord. C-7642 § 2, 1999: prior code § 7510.1)

14.28.030 - Maintenance—Public Works Department duties.

- A. The Public Works Department will, except for watering and fertilizing, maintain, plant and remove all recommended trees planted along City streets. Trees planted along walks, lanes, or on City property, other than a public street right-of-way, will be maintained by the Public Works Department according to their classification, except that trees planted along alleys will not be maintained but will be removed when such trees are determined by the Director of Public Works to be a hazard or a public nuisance.
- B. Trees planted along City streets shall be pruned to give a clearance of not less than twelve feet (12') over sidewalks and not less than sixteen feet (16') over streets as the size of the tree permits.

(Ord. C-7642 § 3, 1999: prior code § 7510.2)

14.28.040 - Maintenance—Permission required.

No person shall perform any maintenance except for watering or fertilizing on any tree planted along a City street or on any other City property except under emergency conditions and upon the written approval of the Director of Public Works. A person determined by the Director to be qualified may perform such special maintenance on such trees as the Director may approve.

(Ord. C-7642 § 4, 1999: prior code § 7510.3)

14.28.050 - Planting or removing—Conformance required.

No person shall plant, cut, trim, mutilate, prune, injure, remove, or in any way impair the growth of any tree growing in, on, or along any City street, or cause or permit the same to be done except as provided in this Chapter.

(Prior code § 7510.4)

14.28.060 - Planting or removing—Permit required.

No person may plant, cut, trim, prune, remove, or in any way interfere with the natural growth of any tree planted along City streets or on other City property without having first obtained a permit from the Director of Public Works to do such work. The Director may require any or all of the work approved by him to be performed under the supervision of the Public Works Department.

(Ord. C-7642 § 5, 1999: prior code § 7510.5)

14.28.070 - Open space around trunk.

No person shall place, or cause to be placed, any stone, cement or other substance about any tree planted along any street or on other City-owned property which shall impede the free entrance of water or air to the roots of the tree without leaving any open space of ground around the trunk of the tree of not less than eighteen inches (18") clearance all around.

(Prior code § 7510.6)

14.28.080 - Harmful substances prohibited.

No person shall deface, mutilate or attach or place any rope, wire, sign, poster, handbill or other thing to or on any tree growing along any City street or public place, or to cause any wire charged with electricity to come in contact with such tree; provided further, no person shall allow any brine, oil, liquid dye, salt or other substances injurious or harmful to plant life to lie, leak, flow, drip into or onto, or to come into contact with, the tree or the soil about the base of such plant.

(Prior code § 7510.7)

14.28.090 - Plantings in parking strip.

- A. No person shall plant, or cause to be planted, any tree, shrub, plant or groundcover in the area between the sidewalk and curb, except as provided in this Chapter. Grass, turf or other groundcover plantings shall be permitted; provided, that such plantings shall not be allowed to attach themselves to or ascend the trunk of any tree. Planting, cutting, mowing, watering, fertilizing and all other maintenance of grass, turf or other groundcover in such parking strips will be performed by the adjacent property owner, subject to the restrictions in this Chapter.
- B. Upon any violation of this Section, the Director of Public Works shall cause notice to be served upon the adjacent property owner requesting him to correct the violation. If, after seven (7) days after notice has been given, the violation has not been corrected, the Director is granted authority to provide for and enforce the removal of the violation by the Public Works Department. Costs incurred by the Public Works Department in removal or correction of the violation shall be billed to the adjacent property owner.

(Ord. C-7642 § 6, 1999; prior code § 7510.8)

14.28.100 - Protection during construction.

In the erection, alteration, construction or repairing of any building or structure, the owner thereof shall place, or cause to be placed, such guards around all nearby trees located along the street, alley, court or other public place as shall effectively prevent injury to them.

(Prior code § 7510.9)

14.28.110 - Nuisance abatement.

- A. Any tree, shrub or plant located on private property infested with a disease or insects, which in the opinion of the Director of Public Works is infectious and may spread such disease or insects to other trees or shrubs in the City, shall constitute a public nuisance. The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be removed or abated within seven (7) days. If the public nuisance is not abated or removed within seven (7) days after notice is served, the Director is granted authority to direct public works employees to enter the property and spray, trim, prune, treat or remove all or any part of the tree or shrub determined to be infested or to otherwise abate or cause to be abated the public nuisance.
- B. Any tree or shrub, growing or standing on private property in such a manner that any portion thereof interferes with utility poles, lines, wires or electroliers lawfully erected, constructed or maintained along any public street, sidewalk, or restricts the flow of traffic or visibility of such street, sidewalks or intersections thereof to any person or persons lawfully using the same, or any such tree which has become diseased or weakened in such a manner as to be dangerous to persons lawfully using the streets or sidewalks, shall constitute a public nuisance. The Director of Public Works shall cause notice to be served upon the property owner directing that the public nuisance be abated or removed within seven (7) days. If the public nuisance is not abated or removed within seven (7) days after notice is served, the Director is authorized to abate or cause to be abated the public nuisance by trimming, pruning, cutting or removing all or such portion of the tree or shrub or plant as may be necessary to eliminate such interference, obstruction or condition.
- C. Whenever it is necessary for the Director of Public Works to direct the use of City employees to abate, remove, or cause to be abated or removed, public nuisances as contained in this Section, he shall determine the cost of the work performed by the City employees and bill the property owner the cost of the work performed.

(Ord. C-7642 § 7, 1999: prior code § 7510.10)

14.28.120 - Interference with enforcement prohibited.

No person shall prevent, delay or interfere with the Director of Public Works, or any of his or her assistants, in the execution or enforcement of this Chapter; provided, however, that nothing in this Section shall be construed as an attempt to prohibit a public hearing, and providing further, that any person aggrieved by any act or determination of the Director of Public Works or his or her assistants in exercise of the authority granted in this Chapter shall have the right of appeal to the City Council whose decision, after public hearing of the matter, shall be final and conclusive.

(Ord. C-7642 § 8, 1999: prior code § 7510.11)

CHAPTER 14.32 - HOUSE NUMBERING

14.32.010 - Installation authority.

The Superintendent of Building and Safety is authorized and instructed to install a system of house numbers for buildings in the City.

(Prior code § 8200)

14.32.020 - Baseline established.

Ocean Boulevard is determined to be the baseline for house numbering, and house numbers on all intersecting highways shall commence with numbers one and two at the baseline, and continue northerly and southerly, respectively, to the termini of such highways, or to the City limits, allowing as near as practicable one hundred (100) numbers to each block.

(Prior code § 8200.1)

14.32.030 - Meridian line established.

The meridian line for house numbering shall be a line running from the Pacific Ocean along the centerline of Pine Avenue to the centerline of Country Club Drive; thence in a direct line to a point in the centerline of Long Beach Boulevard two hundred feet (200') southerly of Forty-Eighth Street; and thence along the centerline of Long Beach Boulevard to the northerly City limits. House numbers on all intersecting highways shall commence with the numbers one hundred (100) and one hundred one (101) at the meridian line and continue easterly and westerly, respectively, to the termini of such highway or to the City limits allowing as near as practicable one hundred (100) numbers to the block.

(Prior code § 8200.2)

14.32.040 - Odd and even numbers.

Odd numbers shall be used on the northerly and westerly sides, and even numbers on the southerly and easterly sides of all highways. Where practicable twelve and one-half feet (12½') of street frontage shall be allowed for each number. Where necessary, fractional numbers may be used. Where numbers are required for rear designations, the house number in front thereof shall be used with letter suffixes. All highways not intersecting a base or meridian line shall be numbered in accordance with the numbering of highways parallel thereto. In any special case, such as a curved street or street not parallel either to the base line or meridian, the system may be modified in such a manner as, in the opinion of the Superintendent of Building and Safety, will best fit the conditions of such special case.

(Prior code § 8200.3)

14.32.050 - Notice to affix numbers.

The Superintendent of Building and Safety shall notify the owner or person in control of every building in the City not numbered in accordance with this Chapter of the number or numbers designated for the principal entrance or entrances thereto; and the owner or person in control of the building shall, within five (5) days after such notice, place, or cause to be placed, the number or numbers so designated

in arabic digits, each of which shall be not less than three inches (3") in height, upon the door header, doorjamb, porch post, front steps or other place near the designated entrance or entrances to the building in plain view from the highway in front thereof.

(Prior code § 8200.4)

14.32.060 - Changing numbers.

The Superintendent of Building and Safety shall have the authority to change addresses of existing buildings if:

- A. The change of address is necessary to comply with the requirements of this Chapter;
- B. If a change of address is requested by the owner. Each change of address initiated and requested by the owner of a building shall be accompanied by a fee as set forth in the schedule of fees and charges established by City Council resolution.

(ORD-06-0039 § 4, 2006; ORD-05-0035 § 1, 2005: prior code § 8200.5)

14.32.070 - Variance.

The City Manager, upon receipt of a written request for a variance from the house numbering requirements of this Chapter, may grant such variance with respect to unique projects or projects of communitywide significance and magnitude.

(Prior code § 8200.6)

CHAPTER 14.36 - HOUSE NUMBERS ON CURBS

14.36.010 - Permitted when.

Subject to the uniform standards provided in this Chapter and after obtaining a permit from the Chief of Police, property owners may paint their house number on the curb adjacent to their property. Persons who paint the house numbers of others must also obtain a permit from the Chief of Police and comply with the uniform standards of this Chapter.

(Ord. C-6133 § 1, 1985; Ord. C-5784 § 1 (part), 1981: prior code § 3410.10(b) (part))

14.36.020 - Permit procedure.

- A. Persons desiring to paint house numbers on curbs shall obtain a written permit by filing an application with the Chief of Police on a form provided by the City. The application shall contain the following information:
 - 1. Name and address of applicant;
 - 2. Date of application;
 - 3. Name of sponsoring organization, if any, whether nonprofit, charitable or otherwise;
 - 4. Name and telephone number of responsible adult representing the organization; and
 - 5. Precise description of area to be covered under permit.
- B. The Chief of Police has discretionary authority to deny a permit in the interest of the public health, safety or welfare; and a permit shall be valid for a period of ninety (90) days after issuance.
- C. A record of the issued permits shall be maintained and appropriate designations shall be made on a map so that house numbers are not repainted more than once every twelve (12) months.
- D. Every applicant shall be provided with a copy of the uniform standards provided in this Chapter and a sketch of the numbering standards.
- E. No fee shall be charged for a permit unless authorized by a resolution of the City Council. In establishing a fee schedule by resolution pursuant to this Subsection 14.36.020.E, the City Council may create exemptions from such fees, in whole or in part, for such charitable organizations lawfully operating within the City as may be defined in and by the resolution.

(Ord. C 5978 § 1, 1983; Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(1))

14.36.030 - Uniform standards.

- A. Dimensions. Numerals shall be three inches (3") in height, approximately one and one-half inches (1½") in width, and shall have a stroke width of one-half inch (½"). Spacing between numerals shall be approximately three-fourths inch (¾"). The house number shall be centered on a four inch by ten inch (4" × 10") rectangular background.
- B. Style of numerals. Numerals shall be of a conventional design, with a vertical axis (not slanted). "Threes" shall be rounded, not flat, on top. "Fours" shall be closed at the top. "Nines" shall be inverted "sixes". "Ones" shall be a vertical line, or a vertical line with a flag not to exceed one-half inch (½").
- C. Colors. The rectangular background shall be white; numerals shall be black.
- D. Materials. Paints shall be fast dry nondrip enamel, Krylon brand or equivalent.

- E. Placement of markings. The house number legend shall be placed on the vertical curb face according to the following:
1. All legends shall be placed on the face of the curb. The top of the four inch by ten inch (4" × 10") rectangular background shall be placed not more than one-half inch (½") below the top of the curb;
 2. On interior (noncorner) lots with driveways and corner lots with driveways in the front, the legend shall be placed at a distance of five feet (5') from the top of the driveway slope. The legend shall go on the same side of the driveway as the house; and
 3. On corner lots with driveways on the side street, and on all lots with no driveway, the legend shall be placed on the curb face directly in front of the primary foot access to the house.

(Ord. C 5784 § 1 (part), 1981: prior code §§ 3410.10(b)(2)(A—E))

14.36.040 - Prohibited where.

No legends shall be placed in the following circumstances:

- A. On any curb face where official City parking control markings (consisting of red, green, yellow, white or blue painting of the top and face of curb) exist;
- B. Where there are multiple addresses exceeding two (2) per lot. However, when only two (2) addresses exist on a given lot, both addresses may be placed on the curb in front of the primary residence. The primary residence's address should be placed closest to the driveway, if one exists; and
- C. For commercial properties except businesses on small lots where there is no possibility of confusing which address relates to which property. In no case shall shopping centers, no matter how small, be marked in such a manner.

(Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(2)(F))

14.36.050 - General restrictions.

- A. In order to assure a reasonable quality of workmanship, the minimum age for persons doing the work shall be fourteen (14) years (or enrollment in the ninth grade).
- B. Before starting work in the area described in the permit, the workers shall give written notice to all residents in the area of their intent to paint house numbers. This written notice shall include the following information:
 1. The name, address and telephone number of the organization or person doing the work;
 2. A statement advising the resident that the organization or person is permitted to solicit a donation for the work done but a donation is not required; and
 3. A statement that this written notice is for information only and the work is not sponsored, endorsed or guaranteed by the City;
 4. The form of written notice required by this Subsection 14.36.050.B shall, prior to its being given to residents, be submitted to the Chief of Police for review by the City as to form and content.
- C. No house number shall be painted on any curb by any person until that person has obtained a permit pursuant to this Chapter, and has obtained and filed with the Chief of Police written approval of the owner of the property for the painting of the house number on the curb of that property.

(Ord. C 6133 § 1, 1985: Ord. C 5784 § 1 (part), 1981: prior code § 3410.10(b)(3))

CHAPTER 14.40 - SELLING OF TICKETS OF ADMISSION TO PLACES OF PUBLIC ASSEMBLAGE IN PUBLIC PLACES AND PLACES OPEN TO THE PUBLIC

14.40.010 - Definitions.

For purposes of this Chapter, the following words and phrases are defined as follows:

- A. "Place of public assemblage" means every place of public amusement or entertainment, stadium, auditorium, theater, athletic field, concert hall or arena which is open to the public upon compliance with requirements of admission thereto.
- B. "Place open to the public" means every place of public amusement or entertainment, stadium, auditorium, theater, athletic field, concert hall or arena and the property upon which such place is located or any other property contiguous thereto which is under the same care, management or control.

(Ord. C 6249 § 1 (part), 1986)

14.40.020 - Prohibition of sales.

- A. Except as otherwise provided in this Chapter, no person in or upon any public street, sidewalk, park or other public place shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage.
- B. Except as otherwise provided in this Chapter, no person in or upon any place which is open to the public shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage.

(Ord. C 6249 § 1 (part), 1986)

14.40.030 - Exception.

The provisions of Section 14.40.020 shall not include or apply to the sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property upon or in which such office, booth or place is located.

(Ord. C 6249 § 1 (part), 1986)

CHAPTER 16.04 - PIERS

FOOTNOTE(S):

--- (1) ---

Cross reference— For provisions on the Harbor Department, see the City Charter.

16.04.010 - Definitions.

The words and phrases defined in this Section, whenever used in this Chapter, shall have the meanings indicated unless the context requires a different meaning:

- A. "Bureau" means the Marine Bureau, a division of the tidelands agency of the City.
- B. "City Manager" means the City Manager of the City of Long Beach.
- C. "Director" means the Manager of a Marine Bureau.
- D. "Person" means and includes any individual, partnership, corporation, organization, association, federal, State, and local governmental entity or political subdivision or agency thereof.
- E. "Vessel" means and includes ships of all kind regardless of the manner of propulsion and every structure designed to be, adapted to be, or capable of being navigated or operated on water from place to place for the transportation of merchandise, persons, or for any other purpose.

(Ord. C-5625 § 2 (part), 1980; prior code § 7210)

16.04.020 - Piers and bridges—Diving prohibited.

Except for employees of the City in the performance of official duty, no person shall dive or plunge into, or otherwise enter, the water from any bridge or pier.

(Ord. C-5625 § 2 (part), 1980; prior code § 7210.1)

16.04.030 - Fishing lines—Methods of casting.

- A. No person shall cast, throw, or otherwise cause to be propelled any fishing line from any municipal wharf or dock or pier in either an overhead cast or side cast.
- B. The City Manager is authorized to place and maintain, or cause to be placed and maintained, signs giving notice of the contents of this Section and the penalties prescribed for violation thereof.

(ORD-07-0022 § 1, 2007; Ord. C-5625 § 2, 1980; prior code § 7210.2)

16.04.040 - Belmont Veterans' Memorial Pier—Prohibited acts.

No person shall do any of the acts enumerated in this Section on the Thirty-Ninth Place Pier, also known as Belmont Veterans' Memorial Pier.

- A. Ride, drive, operate or park any motorcycle, automobile, or other motorized vehicle on Belmont Veterans' Memorial Pier without a written permit to do so from the Director. The Director shall issue permits only for vehicles used in lease and concession servicing, for tramcar service, for the transportation of disabled or infirm pier patrons, for any vehicle necessary for the operation and maintenance of the pier, and for use in special events;
- B.

Operate, drive, or cause to be propelled any bicycle, nonmotorized scooter or "skateboard" (as defined in Section 10.54.010) upon Belmont Veterans' Memorial Pier beyond the midpoint of the pier, as defined by the widened section of the pier approximately at the midpoint. Past the midpoint, a bicycle may be walked and a skateboard may be carried;

- C. Rollerskate on Belmont Veterans' Memorial Pier beyond the midpoint of the pier. To "rollerskate" is the activity for propelling oneself by human power or by force of gravity on a device worn upon the feet or shoes having wheels attached thereto;
- D. Peddle, sell, or offer for sale any goods on Belmont Veterans' Memorial Pier or on any of the approaches thereto, except from booths or storerooms constructed thereon for such purposes, or under a written permit issued by the Director;
- E. Write or mark upon, deface, break, destroy, demolish, or otherwise injure Belmont Veterans' Memorial Pier or any of the buildings, structures, posts, standards, seats, tables, or other equipment or things constructed or placed thereon;
- F. Break, destroy, demolish, deface, or in any manner tamper with any electric bulbs, light globes, light posts, light standards, lights, wiring, switchboards, switches, or other things constructed or used in connection with the lighting of Belmont Veterans' Memorial Pier;
- G. Except pursuant to the terms and conditions of a permit issued by the City Council, moor, dock, or make fast any vessel to the boat launching structure at Belmont Veterans' Memorial Pier without having a person in attendance at all times at or on the vessel qualified to operate it. The person shall move the vessel immediately in the event of any emergency requiring the use of the landing or at any time upon the direction of the Director to do so. Any vessel moored or docked or made fast to the landing and which is left unattended shall be subject to removal to such other place as may be ordered by the Director at the expense of the vessel, its agent and owner;
- H. Lead or turn loose any animal;
- I. Fish, or store fishing-related gear or personal belongings, in any area of the Belmont Veterans' Memorial Pier except as identified as a "Fishing Area" on the Belmont Veterans' Memorial Pier;
- J. Actively utilize more than three (3) fishing poles/lines at any time;
- K. Cut bait or clean fish except in an appropriate fish cleaning station;
- L. Jump or dive from the Belmont Veterans' Memorial Pier, except as part of a class supervised by the Long Beach Fire Department Safety Division;
- M. Consume alcohol except in areas designated by the City as part of a restaurant/snack facility or permitted special event;
- N. Take mussels from the pilings of Belmont Veterans' Memorial Pier.

(ORD-07-0022 § 2, 2007; Ord. C-7848 § 1, 2003; Ord. C-7043 § 3, 1993; Ord. C-5625 § 2 (part), 1980; prior code § 7210.3)

16.04.050 - Belmont Veterans' Memorial Pier—Hours open to public.

Belmont Veterans' Memorial Pier shall be open daily to the public between one (1) hour before sunrise and twelve o'clock (12:00) midnight.

(Ord. C-7211 § 2, 1994; Ord. C-7118 § 2, 1993; Ord. C-5656 § 1, 1980; Ord. C-5625 § 2 (part), 1980; prior code § 7210.4)

16.04.060 - Belmont Veterans' Memorial Pier—Rules and regulations.

The City Manager, with the approval of the City Council, may adopt, amend, or repeal additional rules and regulations for the use and occupancy of Belmont Veterans' Memorial Pier. The Director shall enforce the provisions of this Chapter and such rules and regulations as may hereafter be approved by the City

Council.

(Ord. C-5625 § 2 (part), 1980; prior code § 7210.5)

16.04.070 - Fish nets—Prohibited.

No person shall set, draw or use any fishing net or seine, except a dip net not exceeding eight feet (8') square, in the Pacific Ocean less than one thousand feet (1,000') from any wharf, dock or pier.

(Prior code § 4613)

16.04.080 - Fish nets—Restrictions.

No person shall set, draw or use any fishing net or seine, except a dip net not exceeding eight feet (8') square, in the Pacific Ocean at any point or place within the City less than one thousand feet (1,000') from any wharf, dock or pier located in the City.

(Prior code § 4613.1)

16.04.090 - College Park Drive—Acts prohibited.

No person shall engage in the act of fishing in any manner from the bridge on College Park Drive.

(Ord. C-6468 § 1, 1988)

16.04.100 - Acts prohibited on embankments of San Gabriel River.

- A. No person shall fish, swim, or climb on the embankments of the San Gabriel River within the limits of the City.
- B. The City Manager or his designee is authorized to place and maintain signs giving notice of the contents of this Section and the penalties for violation hereof.

(Ord. C-6884 § 1, 1991)

CHAPTER 16.08 - MARINAS

ARTICLE I. - DEFINITIONS

16.08.010 - Generally.

The words and phrases defined in Sections 16.08.020 through 16.08.290, whenever used in this Chapter, shall have the meanings indicated unless the context requires a different meaning.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220 (part))

16.08.020 - Alamitos Bay.

"Alamitos Bay" means all that portion of the Long Beach Marina Area located southerly and southwesterly of the Marina Basins, the Marine Stadium East, the Marine Stadium West, and includes the Naples Canal, which is defined as that portion of the Alamitos Bay located southerly and southeasterly of Sienna Drive, westerly and northwesterly of Via Di Roma Walk, southeasterly of Second Street, and northerly of the Corso Di Napoli and its prolongations easterly and westerly.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(f))

16.08.021 - Alamitos Bay Marina Long Dock North.

"Alamitos Bay Marina Long Dock North" means that dock located at a point approximately eighty feet (80') west of the building known as 190 North Marina Drive in the Alamitos Bay entry channel, and running in a north south direction for a distance of approximately three hundred ninety feet (390').

(ORD-08-0014 § 18, 2008)

16.08.022 - Alamitos Bay Marina Long Dock South.

"Alamitos Bay Marina Long Dock South" means that dock located in the Alamitos Bay entry channel, at a point approximately eighty feet (80') west of the building known as 110 North Marina Drive, and running in a north south direction for a distance of approximately three hundred fifty-five feet (355').

(ORD-08-0014 § 19, 2008)

16.08.023 - Alamitos Bay Marina Slip 59.

"Alamitos Bay Marina Slip 59" means that first twenty-foot (20') slip located northeasterly of Gangway 5, at a point approximately twenty feet (20') north of the building known as 215 North Marina Drive, in Alamitos Bay Marina.

(ORD-08-0014 § 20, 2008)

16.08.024 - Alamitos Bay Marina Slip 585.

"Alamitos Bay Marina Slip 585" means that first twenty-foot (20') slip located northeasterly of Gangway 18, at a point approximately one hundred feet (100') west of the building known as 241 North Marina Drive, in Alamitos Bay Marina.

(ORD-08-0014 § 21, 2008)

16.08.025 - Alamitos Bay Marina Slip 664.

"Alamitos Bay Marina Slip 664" means that second twenty-foot (20') slip located west of Gangway 19, at a point approximately eighty feet (80') west of the building known as 241 North Marina Drive, in Alamitos Bay Marina.

(ORD-08-0014 § 22, 2008)

16.08.026 - Alamitos Bay Marina Slip 666.

"Alamitos Bay Marina Slip 666" means that first twenty-foot (20') slip located west of Gangway 19, at a point approximately eighty feet (80') west of the building known as 241 North Marina Drive, in Alamitos Bay Marina.

(ORD-08-0014 § 23, 2008)

16.08.030 - Auxiliary.

"Auxiliary" means any vessel which may be propelled by sails or by means of an inboard or outboard engine. While under sail only, an auxiliary shall be subject to rules governing sailing craft. While under power, either with or without sails, an auxiliary shall be subject to the rules governing motorboats.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(u))

16.08.040 - Bureau.

"Bureau" means the Marine Bureau, a division of the tidelands agency of the City.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(ii))

16.08.050 - Channels and turning basins.

"Channels" and "turning basins" mean all channels and turning basins within the marinas (as defined in Section 16.08.150) which have been designated by the federal government, or in the absence of such designation, by the Director with the approval of the City Manager, as shown on maps on file in the office of the Director.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(o))

16.08.060 - City Manager.

"City Manager" means the City Manager of the City of Long Beach.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(k))

16.08.070 - Director.

"Director" means the Manager of the Marine Bureau.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(j))

16.08.080 - Dock.

"Dock" means a waterway extending between two (2) piers for the reception of ships, a landing pier for boats.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(y))

16.08.081 - Docking.

"Docking" means to make fast or tie any vessel to any wharf, pier, mooring, gangway or floating dock structure.

(Ord. C-7043 § 7 (part), 1992)

16.08.090 - Shoreline Marina.

"Shoreline Marina" means those portions of the tidelands area bounded as follows:

Beginning at the intersection of Shoreline Drive and Linden Avenue; thence southeast along the centerline extension of Linden Avenue to the intersection of a line parallel with and two hundred twenty feet (220') northwesterly from the shoreline enrockment reference line to be known as the point of beginning; thence southwesterly along last said line to the intersection of a line parallel with and two hundred eighty-five feet (285') easterly of the Rainbow Marina Concrete Bulkhead; thence southerly along last said line to the intersection of a line parallel with and eighty feet (80') northerly from the shoreline enrockment reference line; thence southwesterly along last said line to the intersection of the northerly projection of the west enrockment reference line of the Shoreline Marina Mole; thence southeasterly along last said line; thence northeasterly along the mole southeasterly enrockment reference line to the most easterly point of the Marina Mole; thence northeast to the most westerly point of Oil Island Grissom; thence northeasterly along the northwest portion of Oil Island Grissom to the most northerly point in Oil Island Grissom; thence northeast to the intersection of the east enrockment reference line and the most southerly point of the Shoreline Marina East Jetty; thence northwest along said Jetty east enrockment reference line to the intersection of a line parallel with and two hundred twenty feet (220') northwesterly from the shoreline enrockment reference line; thence southwesterly along last said line to the point of beginning.

(ORD-08-0014 § 1, 2008; Ord. C-5625 § 4 (part), 1980; prior code § 7220(g))

16.08.100 - Float.

"Float" means and includes any wharf, pier, quay, or landing.

(Ord. C-5625 § 4 (part), 1980; prior code § 7220(q))

16.08.101 - Harbormaster's Dock—Alamitos Bay Marina.

"Harbormaster's Dock" means that one hundred forty-eight foot (148') dock which runs along the northwesterly side of the Harbor Master Building located at 205 North Marina Drive in the Alamitos Bay Marina area.

(ORD-08-0014 § 24, 2008)

16.08.110 - Long Beach Marina Area.

"Long Beach Marina Area" means all waters and public lands bordering such waters in the southeastern portion of the City within the following described boundaries:

Beginning at the intersection of the centerline of Nieto Avenue with the centerline of Colorado Street; thence easterly along last said centerline to the easterly line of Marina Drive; thence southerly and southeasterly along last said line to the northwesterly shoreline of the Los Cerritos Channel; thence northeasterly and northerly along last said shoreline to the southerly line of Anaheim Road; thence easterly along last said line to the easterly shoreline of Los Cerritos Channel; thence southerly and southwesterly along last said shoreline to the northeasterly line of Marina Pacifica Channel; thence southeasterly along last said channel to the most southeasterly part of the Marina Pacifica Channel; thence southeasterly along a line to a point that intersects at the northwesterly line of Second Street and the northwesterly prolongation of the northeasterly line of that portion of Marina Drive lying southerly of

Second Street; thence southeasterly along last said line and the prolongations thereof, to the westerly right-of-way line of the San Gabriel River flood control channel; thence southwesterly along last said line to the southeasterly boundary of the City of Long Beach in the common boundary between the county of Los Angeles and the county of Orange; thence southwesterly along last said line to a line at right angles to and passing through the southerly terminus of the westerly jetty of the Alamitos Bay entrance channel; thence northwesterly along last said line to said terminus, thence northerly along the centerline of said westerly jetty to the southeasterly prolongation of the centerline of Ocean Boulevard; thence northwesterly along said prolongation and said centerline of Ocean Boulevard to the centerline of Sixty-ninth Place; thence northeasterly along last said centerline to the northeasterly line of Bay Shore Walk; thence northwesterly along last said line to the centerline of Fifty-fifth Place; thence southwesterly along last said centerline to the centerline of Ocean Boulevard; thence northwesterly along last said centerline to the centerline of Fifty-fourth Place; thence northeasterly and northwesterly along last said centerline to the centerline of Bay Shore Avenue; thence northeasterly and easterly along last said centerline to the centerline of Appian Way; thence southeasterly along last said centerline to the Bay Shore bulkhead line; thence northeasterly along last said bulkhead line to a line 200 feet northeasterly from and parallel with the centerline of Appian Way; thence northwesterly along last said line and the northwesterly prolongation thereof, to the centerline of Nieto Avenue; thence northerly along last said centerline to the point of beginning.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(a))

16.08.120 - Los Cerritos drainage channel.

"Los Cerritos drainage channel" means all that portion of Alamitos Bay, and tributaries connected thereto, located northeasterly of the northeasterly line of Marina Drive, and is also known as Los Cerritos Ditch.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(e))

16.08.121 - Marina Pacifica Channel and Basins.

"Marina Pacifica Channel and Basins" means that portion of Alamitos Bay, extending southeasterly from the Los Cerritos Drainage Channel, located northeasterly of the northeasterly line of Marina Drive and southwesterly of Pacific Coast Highway.

(Ord. C-6667 § 2, 1989)

16.08.122 - Spinnaker Cove Channel and Basins.

"Spinnaker Cove Channel and Basins" means that portion of Alamitos Bay, extending northwesterly from the Los Cerritos Drainage Channel, located northeasterly of the northeasterly line of Marina Drive and southwesterly of Pacific Coast Highway.

(Ord. C-6667 § 3, 1989)

16.08.130 - Marina Basins.

"Marina Basins" means those portions of the Long Beach Marina Area designated as Marina Basins 1, 2, 3, 4, 5, 6, 7, 8 and Naples Landing within the following described boundaries:

- A. Beginning at the intersection of the northeasterly line of Marina Drive with a line parallel with and fifty feet (50') northwesterly from the centerline of Second Street; thence southwesterly along last said line to the centerline of Appian Way; thence southeasterly and southerly along last said line

to the centerline of Savona Walk; thence southwesterly along last said line to the southwesterly line of Appian Way Service Road; thence southeasterly along last said line, and the southeasterly prolongations thereof, to the Vista Del Golfo bulkhead line; thence southwesterly in a direct line approximately one thousand feet (1,000') to the most westerly point on the shoreline of the southwesterly mole of Basin No. 1; thence southerly along said shoreline to the common southeasterly boundary of the Long Beach Marina Area and the City of Long Beach; thence northeasterly and northwesterly along said boundary of the Long Beach Marina Area to the point of beginning;

- B. Beginning at the intersection of the centerline of the westerly jetty of the Alamitos Bay Entrance Channel with the southeasterly prolongation of the centerline of Ocean Boulevard; thence northwesterly along said prolongation and the centerline of Ocean Boulevard, being the boundary of the Long Beach Marina Area, to the southeasterly prolongation of the vacated alley northeasterly of Block 18 of the Alamitos Bay Tract; thence northwesterly along said prolongation and centerline to the southwesterly prolongation of the northwesterly wall line of Basin No. 5; thence northeasterly along said prolongation and wall line to its northeasterly terminus; thence at right angles, southeasterly two hundred ten feet (210'), more or less, to the easterly wall line of Basin No. 5; thence southerly along said easterly wall line and easterly shoreline of the westerly jetty of the Alamitos Bay Entrance Channel to the southeasterly prolongation of the centerline of Ocean Boulevard; thence northeasterly along said prolongation to the point of beginning;
- C. Beginning at the intersection of the northeast line of Marine Stadium West and the northwest line of Los Cerritos Channel; thence northeast along the northwest line of the Los Cerritos Channel to its intersection with the centerline of Pacific Coast Highway; thence southeast along said centerline of Pacific Coast Highway to its intersection with the southeast bulkhead line of the Los Cerritos Channel; thence southwest along said southeast bulkhead line of the Los Cerritos Channel and its prolongation across the Marina Pacifica Entrance Channel to its intersection with the northeast line of Marine Stadium West; thence northwesterly along said northeast line of Marine Stadium East to the point of beginning, which describes the Los Cerritos Channel area of Basin No. 6;
- D. Beginning at the intersection of the southeast bulkhead line of the Los Cerritos Channel and the southwest bulkhead line of the Marina Pacifica Entrance Channel; thence southeast along said southwest Marina Pacifica bulkhead line to a ninety (90°) degree angle point in said bulkhead; thence southwest along said bulkhead line to a bulkhead angle point, said bulkhead angle point being the most westerly point of the Marina Pacifica Entrance Channel; thence southeast along the bulkhead line to the intersection of the line, measured at right angle, fifty feet (50') from the bulkhead line of the Marina Pacifica Entrance Channel; thence northeast along a line parallel to and fifty feet (50') out from, measured at right angles, the northwest bulkhead line of the Marina Pacifica Entrance Channel to an angle point; thence northwest along a line parallel to and fifty feet (50') out from southwest bulkhead line of the Marina Pacifica Entrance Channel to the intersection of the projected southeast bulkhead line of the Los Cerritos Channel; thence southwest to the point of beginning, which describes the Marina Pacifica Entrance Channel portion of Basin No. 6;
- E. Beginning at a point in the northeasterly line of Ocean Boulevard 91.30 feet northwesterly of the northwesterly line of 55th Place; thence north 57° 51' West along said northeasterly line of Ocean Boulevard one hundred fifty feet (150'); thence North 32° 03' East 68.50 feet; thence north 28° 30'

West 35.60 feet; thence North 32° 03' East 144.00 feet; thence South 57° 57' East 212.00 feet; thence South 32° 03' West 144.00 feet; thence South 64° 43' West 57.43 feet; thence South 32° 03' West 37.65 feet to the point of beginning; and

- F. Beginning at the most southerly southeasterly corner of Lot 202 of Tract No. 32277, as shown on a map recorded in Book 892, pages 80-88, inclusive of maps, in the office of the county recorder of said Los Angeles County; thence along the southerly line of said Lot 202, South 64° 04' 40" West 571.33 feet to the beginning of a curve concave northwesterly and having a radius of 700.00 feet; thence southwesterly 128.78 feet along said curve, through a central angle of 10° 32' 28" to the southwesterly corner of said Lot 202; thence continuing southeasterly 25.27 feet along said curve and southerly line of Lot 203 of said Tract No. 32277, through a central angle of 2° 04' 07" to the southwest corner of said Lot 203.

The northwesterly and southeasterly lines of said strip shall be lengthened or shortened so as to terminate northeasterly at the southwesterly line of Pacific Coast Highway and southwesterly at the southeasterly prolongation of a line that is radial to the southwest corner of said Lot 203, said radial line being "South 13° 18' 45" East".

(ORD-08-0014 § 2, 2008: Ord. C-6047 § 1, 1984: Ord. C-5625 § 4 (part), 1980: prior code § 7220(b))

16.08.140 - Marinas.

"Marinas" means the water areas and public lands and improvements thereon within the Long Beach Marina Area, Shoreline Marina, the Rainbow Marina, the Rainbow Harbor and any other marina owned, operated, or controlled by the City.

(ORD-08-0014 § 3, 2008: Ord. C-5625 § 4 (part), 1980: prior code § 7220(bb))

16.08.150 - Marine Stadium East.

"Marine Stadium East" means that portion of the Long Beach Marina Area within the following described boundaries:

Beginning at the intersection of Bay Shore Avenue bulkhead line with a line 200 feet northeasterly from and parallel with the centerline of Appian Way; thence northeasterly at right angles to last said line to the northeasterly line of Marina Drive; thence southeasterly along last said line to a line parallel with and fifty feet (50') northwesterly from the centerline of Second Street; thence southwesterly along last said line to the centerline of Appian Way; thence northwesterly along the curved portion of Appian Way to a line parallel with and two hundred feet (200') northeasterly from the centerline of that portion of Appian Way between San Marco Drive and Bay Shore Avenue; thence northwesterly along last said line to the point of beginning.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(c))

16.08.160 - Marine Stadium West.

"Marine Stadium West" means all that portion of the Long Beach Marina Area located northwesterly of the northwesterly line of Marine Stadium East.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(d))

16.08.170 - Mooring.

"Mooring" means any weight, chain, rope, buoy, floating dock system, or any other structure or appliance used for the purpose of holding a vessel in place and which is not carried on board the vessel as regular equipment when under way.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(p))

16.08.180 - Mooring area or anchoring area.

"Mooring area" or "anchoring area" mean any portion of the Long Beach Marina Area and of the Pacific Ocean within the limits of the City which has been designated by the federal government, or in the absence of such designation, by the Director with the approval of the City Manager, for the mooring or anchoring of vessels.

(Ord. C-5625 (part), 1980: prior code § 7220(n))

16.08.190 - Motorboat.

"Motorboat" means any vessel whose normal means of propulsion is by internal combustion, electric, or mechanical engine, either inboard or outboard.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(s))

16.08.200 - Person.

"Person" means and includes any individual, partnership, corporation, organization, association, federal, State, and local governmental entity or political subdivision or agency thereof.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(l))

16.08.210 - Pier.

"Pier" means a structure built out into the water with piles for use as a landing place.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220 (w))

16.08.211 - Pierpoint Landing Guest Dock.

"Pierpoint Landing Guest Dock" means the dock that connects Dock 1b and 1c in the Rainbow Harbor.

(ORD-08-0014 § 25, 2008)

16.08.220 - Quay.

"Quay" means a stretch of paved bank or solid artificial landing placed beside navigable water.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(z))

16.08.221 - Rainbow Marina.

"Rainbow Marina" means those portions of the tidelands area bounded as follows:

Beginning at the intersection of Shoreline Drive and Pine Avenue; thence southwest along the centerline extension of Pine Avenue to the intersection of the south curb of the most southerly line of Shoreline Drive service road to be known as the point of beginning; thence easterly of said curb and its extension to the intersection of a line parallel with and two hundred eighty-five feet (285') easterly of the Rainbow Marina concrete bulkhead; thence southerly along last said line to the intersection of a line parallel with and eighty feet (80') northerly from the shoreline enrockment reference line; thence southwesterly along last said line to the intersection of the northerly projection of the west enrockment reference line of the Shoreline Marina Mole; thence southeasterly along last said line to the shoreline

enrockment reference line at its extension; thence northwesterly along last said line to the intersection of the west enrockment reference line of the entrance channel of the Rainbow Marina, thence northeasterly along last said line to its most northerly point; thence northwest to the point of beginning.

(ORD-08-0014 § 26, 2008)

16.08.222 - Rainbow Marina Dock 8.

"Dock 8" means that dock located at a point approximately twenty-five feet (25') northwesterly of the building known as 401 Shoreline Drive, and running in a northwesterly direction for a distance of approximately one hundred ten feet (110').

(ORD-08-0014 § 27, 2008)

16.08.223 - Rainbow Harbor.

"Rainbow Harbor" means those portions of the tidelands area bounded as follows:

Beginning at the intersection of the southerly line of Ocean Boulevard, one hundred feet (100') wide, with the centerline of Pine Avenue (North), one hundred feet (100') wide, and said intersection having the coordinates North 4,027,618.60 and East 4,229,816.61 of Zone 7 of the California Coordinate System, NAD 27, as shown on Drawing No. E212, on file in the office of the City Engineer of Long Beach; thence South 0° 05' 28" East 1,851.54 feet along said centerline and its southerly prolongation; thence East 602.31 feet to the most northerly corner of the Shoreline Village Lease Area as described in a legal description on file in the office of the City Engineer of Long Beach; thence South 82.71 feet along the lease line of said lease to a point, said point also being the intersection of the landward edges of the existing northerly and easterly concrete bulkheads, said point being the most northeasterly corner of the Rainbow Marina as described in a legal description on file in said office of the City Engineer; thence along the landward edge of the northerly bulkhead and the northeasterly line of said Rainbow Marina, North 68° 02' 55" West to the most northerly corner of said Rainbow Marina, said point being the true point of beginning of this description. Thence leaving said bulkhead line and along the westerly line of said Rainbow Marina, South 19° 20' 58" West 819.42; thence leaving said westerly line, South 83° 11' 31" West 420.31 feet to its intersection with the landward edge of the existing easterly concrete bulkhead line, said point being the beginning of a non-tangent curve concave westerly and having a radius of 180.00 feet; a radial line through said beginning of curve bears South 13° 53' 29" East; thence northeasterly, northerly and westerly 483.38 feet along said curve and bulkhead line through a central angle of 153° 51' 54"; thence along the landward edge of the southerly, westerly and northerly concrete bulkhead lines through the following courses: North 83° 08' 53" West 698.32 feet to the beginning of a non-tangent curve concave southwesterly and having a radius of 81.67 feet; a radial line through said beginning of curve bears North 86° 04' 14" East; thence northwesterly and westerly 128.25 feet through a central angle of 89° 58' 49" to the beginning of a non-tangent curve concave southeasterly and having a radius of 400.00 feet, a radial line through said beginning of curve bears South 69° 06' 27" West; thence northerly, northeasterly, easterly and southeasterly 1144.86 feet along said curve through a central angle of 163° 59' 20" to the beginning of a non-tangent curve concave northeasterly and having a radius of 81.67 feet, a radial line through said beginning of curve bears North 59° 34' 22" West; thence southerly and southeasterly 180.18 feet through a central angle of 126° 24' 12" to the beginning of a non-tangent curve concave northerly and having a radius of 284.51 feet; a radial line through said beginning of curve bears South 48° 45' 50" West; thence southeasterly, easterly and northeasterly 578.51 feet along said curve through a central angle of 116° 30' 18"; thence North 22° 15' 32" East 28.21 feet to the beginning of a non-tangent curve concave southerly and having a radius of

220.60 feet, a radial line through said beginning of curve bears North 9° 14' 24" West; thence easterly 99.37 feet along said curve through a central angle of 25° 48' 34" to the beginning of a non-tangent curve concave northeasterly and having a radius of 40.00 feet, a radial line through said beginning of curve bears South 87° 13' 25" West; thence southeasterly, easterly and northeasterly 88.27 feet along said curve through a central angle of 126° 26' 11"; thence South 70° 38' 51" East 53.27 feet to the true point of beginning.

(ORD-08-0014 § 28, 2008)

16.08.230 - Sailing craft.

"Sailing craft" means any vessel whose normal means of propulsion is by sail.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(r))

16.08.240 - Sand dolly.

"Sand dolly" means any movable cradle, structure, or device used for moving boats into or out of the water or for the storage of boats thereon.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(t))

16.08.250 - Shoreline.

"Shoreline" means the line of the tide at any given time.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(aa))

16.08.261 - Shoreline Aquatic Park.

"Shoreline Aquatic Park" means those water portions of the Tidelands area located within Shoreline Park.

(ORD-08-0014 § 4, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.263 - Marina Park Long Dock.

"Marina Park Long Dock" means that long dock located approximately one hundred feet (100') northwest of the northwest corner of the Marina Park Lifeguard Station in Marina Park.

(ORD-08-0014 § 5, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.264 - Davies Long Dock.

"Davies Long Dock" means that six hundred foot (600') long dock located approximately three hundred four feet (304') north of the Davies Bridge on 2nd Street and eighteen feet (18') west of the easterly shoreline of Marine Stadium East Launching Ramp (Davies Launch Ramp).

(Ord. C-7043 § 7 (part), 1992)

16.08.265 - Gangway A—Shoreline Marina.

"Gangway A at the Shoreline Marina" means that gangway, which runs northerly from the north side of the Harbor Master Building located at 450 Shoreline Drive in the Shoreline Marina area.

(ORD-08-0014 § 6, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.266 - Dock 10.

"Dock 10" means that three hundred foot (300') dock located at a point approximately one hundred twenty-three feet (123') west of the building known as 160 East Shoreline Drive and running in a westerly direction for one hundred fifty feet (150') and southerly for one hundred fifty feet (150').

(ORD-08-0014 § 7, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.267 - Alamitos Bay Pump-out Dock.

"Alamitos Bay Pump-out Dock" means that dock located at a point southwesterly approximately fifty-seven feet (57') from the building known as 223 Marina Drive and running in a northwesterly direction approximately twenty-five feet (25') then one hundred feet (100') in a northerly direction.

(Ord. C-7043 § 7 (part), 1992)

16.08.268 - Rainbow Harbor Esplanade.

"Rainbow Harbor Esplanade" means the walkways and all public area surrounding Rainbow Marina and Rainbow Harbor.

(ORD-08-0014 § 29, 2008)

16.08.270 - Slip.

"Slip" means a vessel's berth between two (2) piers.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(v))

16.08.280 - Vessel.

"Vessel" means and includes ships of all kind regardless of the manner of propulsion and every structure designed to be, adapted to be, or capable of being navigated or operated on water from place to place for the transportation of merchandise, persons, or for any other purpose.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(m))

16.08.290 - Wharf.

"Wharf" means any structure alongside which a vessel may lie.

(Ord. C-5625 § 4 (part), 1980: prior code § 7220(x))

ARTICLE II. - DIRECTOR OF THE MARINE BUREAU

16.08.300 - Powers and duties.

The Director shall have the authority and it shall be his duty:

- A. To supervise and administer all operations and activities of the Bureau;
- B. To direct and control the berthing of vessels in the marinas; to assign moorings, berths, or landing places to vessels within designated areas within the marinas or any other water area under the City's jurisdiction; to determine the admissibility of vessels to the marinas dependent on type, condition, size, and availability of berthing space; to assign visiting vessels berthing space and specify the limit of stay for a period not to exceed fifteen (15) days of any month, except under emergency conditions;
- C.

To enforce the provisions of this Chapter, including all regulations adopted by the City Council in accordance with Section 16.08.970, Bureau policies, and other State and federal laws and ordinances of the City affecting the marinas or any other mooring area under the City's jurisdiction and the navigable waters within the limits of the City;

- D. To order any vessel moored, docked, or berthed in the marinas or at a privately owned mooring, docking, or berthing facility which is under permit issued by the City, to change its position and in case his orders are not complied with, to cause the vessel to be so moved and to collect the cost thereof from the vessel or the owner thereof;
- E. To report promptly to the proper authorities any violation of the laws of the United States for the protection of navigation and the preservation of navigable waters or any violation of State or local laws or ordinances; to so report any encroachment on the waterway by the building of illegal structures, illegal filling, or dumping of material of any sort into the waterway, or the throwing overboard or setting adrift or allowing to be set adrift anything that is or might become obstructive or dangerous to navigation or a menace to public health or safety;
- F. The Director may keep a current record of the number, size, and kind of vessels using the navigable waters in the marinas and the number of passengers carried. The owners, masters, or persons in charge of any vessel using the waters are required to furnish the Director or his designee with any reasonable information requested, and to allow him upon demand to examine their papers, including their manifest;
- G. To perform such other duties the City Manager may, from time to time, assign to the Director.

(Ord. C-5625 § 4 (part), 1980: prior code § 7221)

16.08.310 - Delegation of powers.

Whenever a power is granted to or a duty imposed upon the Director, the power may be exercised by or the duty may be performed by the Harbor Master or any assistant, deputy, or employee of the Bureau designated by the City Manager for such purpose, unless expressly provided otherwise.

(Ord. C-5625 § 4 (part), 1980: prior code § 7221.1)

16.08.320 - Harbor Master.

In the absence of the appointment of a Harbor Master, the duties of the Harbor Master shall be performed by the Director or by any assistant, deputy or employee designated by the City Manager for such purpose. The Harbor Master, acting under the orders and supervision of the Director, shall have full authority in the enforcement of all provisions of this Chapter and regulations affecting the marinas, and all orders and instructions given by the Harbor Master in the performance of his duties shall have the same effect as if issued by the Director.

(Ord. C-5625 § 4 (part), 1980: prior code § 7221.2)

16.08.330 - Appeal from cancellation of permit.

In accordance with the provisions of Subsection 2.93.050.A, the City Council hereby designates the Marine Advisory Commission, established pursuant to Chapter 2.48, to conduct the hearing of the appeal of any cancellation of a permit issued pursuant to this Chapter. All of the applicable provisions of Chapter 2.93 (conduct of hearings) shall govern the conduct of the hearing and the processing of the appeal.

(Ord. C-7101 § 1, 1993: Ord. C-6461 § 1, 1988: Ord. C-5625 § 4 (part), 1980: prior code § 7221.3)

16.08.340 - Power to arrest and prepare and issue and deliver written notice to appear.

- A. Those employees of the City holding the unclassified position of Manager of the Marine Bureau, Harbor Master, Superintendent of Marine Safety, and Superintendent of Marine Patrol and those employees of the City holding or temporarily performing the duties of the classified positions of Marine Safety Captain, Marine Safety Sergeant, Marine Safety Officer, Lifeguard, Marina Supervisor, Marina Agent I, Marina Agent II, Special Services Officer I, Special Services Officer II, Special Services Officer III, Special Services Officer IV and Security Officer III employed in the City shall have the duty of enforcing such laws, ordinances, rules and regulations as the City Council may direct by regulation enacted pursuant to Section 16.08.970 and such tariff items as the Board of Harbor Commissioners may direct pursuant to Port of Long Beach Tariff No. 4, or any revision or replacement thereof.
- B. Those employees of the City holding or temporarily performing the duties of the classified noncareer positions of Special Services Officer I and Special Services Officer II shall have the duty of enforcing such laws and ordinances as the City Council may direct by regulation enacted pursuant to Section 16.08.970
- C. The employees referred to in Subsections A. and B. above are authorized, pursuant to California Penal Code Section 836.5, to arrest persons and to prepare, issue, and deliver to any such arrested person a written notice to appear in court and to release such person from custody upon receiving from such person his or her written promise to appear in court for any violation or violations of any section or sections designated by the City Council in regulations enacted pursuant to Section 16.08.970
- D. Nothing in this Section is intended to operate either in addition to or in contravention of Part 2, Title 3, Chapter 4.5, of the California Penal Code, which expressly designates those persons who are classified as peace officers. Further, nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of the officers and employees authorized to act pursuant to this Section from public or miscellaneous officers and employees to individual peace officers or safety members or classes of peace officers or safety members for purposes of retirement, worker's compensation or similar injury or death benefits or any other employee benefit or benefits to which said employee would not have been entitled as a public employee prior to the adoption of this Section.

(ORD-08-0014 § 8, 2008; Ord. C-7246 § 1, 1994; Ord. C-7195 § 1, 1994; Ord. C-6250 § 1, 1986; Ord. C-5956 § 2, 1983; Ord. C-5717 § 1, 1981; Ord. C-5625 § 4 (part), 1980; prior code § 7221.4)

16.08.341 - Marine Safety Sergeant - boat operators.

- A. Those employees who are designated by the City as Marine Safety Sergeant - boat operators and who are regularly employed and paid for duties performed in or around the marinas as defined under Chapter 16.08 of the Municipal Code, which are essentially duties commonly performed by Harbor Police as defined under Section 830.330(b) of the Penal Code, shall be peace officers while engaged in the performance of duties in accordance with Section 803.33 of the Penal Code of the State of California.
- B. The primary duties of those employees designated as Marine Safety Sergeant - boat operators shall include enforcing such laws and ordinances as the City Council may direct by regulation enacted, and which from time to time may be amended, pursuant to Section 16.08.970. Those employees covered by this Section are authorized to make an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Sections 8597 or 8598 of the California Government Code.
- C.

Employees covered under this Section shall not be peace officers for the purpose of, and as set forth in Section 12025 and Section 12031 of the Penal Code.

- D. Nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of employees of the City holding the classified position of Marine Safety Sergeant - boat operators from public or miscellaneous officers or employees to individual peace officers or safety members or classes or peace officers or safety members for purposes of retirement, workers' compensation or similar injury or death benefits or any other employee benefit or benefits to which the employees would not have been entitled as a public employee prior to the adoption of this Section.

(Ord. C-7246 § 2, 1994)

ARTICLE III. - GENERAL REGULATIONS

16.08.350 - Defacing public property.

No person shall wilfully injure, disfigure, deface, paint, damage, destroy, disturb, remove, or interfere with any buoy, float, sign, notice, fence, barrier, dock, pier, structure, improvement, harbor facility or other property owned, maintained, or controlled by the City or other governmental authority or any other property installed and maintained under permit from the Director within the marinas, Rainbow Harbor, the Esplanade at Rainbow Harbor and approaches thereto.

(ORD-08-0014 § 9, 2008; Ord. C-5625 § 4 (part), 1980: prior code § 7222)

16.08.360 - Right-of-way.

No person shall fail to yield the right-of-way to the operator of another motorboat when the latter is towing any object, structure, or person within the marinas.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.1)

16.08.370 - Horns and signals.

No person shall use or sound on any vessel within the marinas any signaling or warning device producing sound by the rapid interruption of a current of air by a rotating disk. This Section does not apply to a properly designated patrol boat upon which the use of such device is expressly authorized for emergency purposes.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.2)

16.08.380 - Unseaworthy vessels.

No person shall moor, dock, tie up, or permit to be moored, docked, or tied up within the marinas any vessel which is unseaworthy, dilapidated, or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels and/or which might become a menace to navigation.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.3)

16.08.390 - Aircraft.

No person shall land, take off, or operate any aircraft on the waters of the marinas.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.4)

16.08.400 - Vessel as place of abode—Permit.

No person shall use any vessel within or upon the waters of the marinas as a place of abode except pursuant to a permit issued by the Director in accordance with regulations adopted in accordance with the provisions of Section 16.08.970.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.5)

16.08.410 - Sale of fish.

No person shall bring ashore from any vessel within the marinas any fish, mollusks or crustaceans for the purpose of selling the same.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.6)

16.08.420 - Disposal of refuse.

No person shall throw, discharge, dump, place, deposit or leave any refuse, rubbish, sewage, waste matter, dead animals, fish, shellfish, bait, putrefying matter, oil, spirits, flammable liquid, coal tar, residuary product of coal, petroleum, asphalt, bitumen, carbonaceous material or other offensive matter of any kind into the waters of or upon a bank, sidewalk, seawall, wharf, wharf road, street leading to a wharf, float, pier, harbor structure, or beach within the marinas and shall be civilly liable to the City for all actual damages in addition to the reasonable costs actually incurred in the cleaning or abating activities.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.7)

16.08.430 - Cleaning fish.

No person shall clean fish, cut or otherwise prepare bait, except in the usual course of fishing, on the sidewalks, harbor structures, floats, piers, sidewalks, beaches or waters in the marinas.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.8)

16.08.440 - Digging holes on beaches.

No person shall dig or cause to be dug holes exceeding a depth of two feet (2') in or along the beaches of the marinas. Any person who digs or causes to be dug any hole in or along the beaches shall fill the hole before leaving the beach area.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.9)

16.08.450 - Bait gathering.

No person shall pick, gather, or remove any mollusks, crustaceans, seaweed or other living marine organisms from the pilings, floats, piers, seawalls or other harbor structures or from vessel hulls within the marinas except pursuant to a permit for such activity issued by the Director pursuant to Section 16.08.720.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.10)

16.08.460 - Fishing restrictions.

No person shall fish from the sidewalk, parkway, seawall or bulkhead in or adjacent to the following described areas:

- A. Both sides of Rivo Alto Canal between Naples Canal and the southerly prolongation of the centerline of the Colonnade;
- B.

Both sides of Naples Canal between the westerly line of tract no. 500, a point approximately eighty feet (80') westerly of the prolongation of the westerly line of Geneva Walk, and the southerly prolongation of the centerline of the Colonnade;

- C. The northerly side of Alamitos Bay beginning at the westerly terminus of Corso Di Napoli, being the westerly line of tract no. 500, thence easterly and northerly to Naples Canal;
- D. The northerly side of Alamitos Bay beginning at Rivo Alto Canal, thence southerly and easterly along Corso Di Napoli and Vista Del Golfo and continuing along the various courses of the bulkhead line to the southeasterly prolongation of the southwesterly line of the Appian Way service road;
- E. Both sides of Marina Drive Bridge across the San Gabriel River, except from platforms provided for the purpose of fishing;
- F. Shoreline Marina, except from the fishing piers attached to the westerly mole;
- G. Rainbow Harbor and Rainbow Marina, including the rock jetty, with the exception of fishing piers;
- H. Commercial and public docks throughout Alamitos Bay;
- I. Within the confines of the Golden Shore Marine Biological Reserve and the Jack Dunster Marine Biological Reserve;
- J. Public walkway adjacent to Alamitos Bay Marina, basin 5.
- K. Banks of the Los Angeles River, south of Ocean Boulevard, with the exception of the fishing piers.

(ORD-10-0036, § 1, 2010; ORD-08-0014 § 10, 2008: Ord. C-7925 §§ 1, 2, 2004; Ord. C-7877 § 1, 2003: Ord. C-5956 § 3, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7222.11)

16.08.470 - Three mile per hour speed limit—Restricted areas.

No person shall operate any vessel in the following designated areas at a rate of speed in excess of three (3) miles per hour:

- A. Marina basins;
- B. Naples Canal;
- C. Shoreline Marina;
- D. Rainbow Marina;
- E. Marina Pacifica Channel and basins;
- F. Spinnaker Cove Channel and basins;
- G. Rainbow Harbor.

(ORD-08-0014 § 11, 2008: Ord. C-6667 § 1, 1989: Ord. C-6250 § 2, 1986: Ord. C-5956 § 4, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7222.12)

16.08.471 - Five mile per hour speed limit—Restricted area.

No person shall operate any vessel within Alamitos Bay at a rate of speed in excess of five (5) miles per hour. The provisions of this Section do not apply to the areas designated in Section 16.08.470, to Marine Stadium West between April 1 and September 30, inclusive, between the hours of 8 o'clock (8:00) A.M. to sunset. The provisions of this Section do not apply to the areas designated in Section 16.08.470, to Marine Stadium West between October 1 and March 31, inclusive, on Thursday through Sunday and on school holidays between the hours of 8 o'clock (8:00) a.m. to sunset, and on Monday through Wednesday,

excluding school holidays, between the hours of 8 o'clock (8:00) a.m. to 4 o'clock (4:00) p.m. and between the hours of 6 o'clock (6:00) p.m. to sunset, or to Marine Stadium East for an organized marine event under permit issued by the City.

(ORD-10-0022, § 1, 2010; Ord. C-6250 § 12, 1986)

16.08.472 - Reckless operation.

No person shall use any vessel in the marinas or Alamitos Bay in a reckless or negligent manner so as to endanger the safety of persons or property or operate any vessel at a rate of speed which produces a wake which will cause injury to persons or property.

(Ord. C-6250 § 13, 1986)

16.08.480 - Waterskiing, aquaplaning and motorboat racing restricted.

No person shall engage in waterskiing, aquaplaning, jet skiing or motorboat racing within the marinas or Alamitos Bay. The provisions of this Section do not apply to Marine Stadium West or to Marine Stadium East for an organized marina event under permit of the Marine Bureau.

(Ord. C-6250 § 3, 1986; Ord. C-5625 § 4 (part), 1980; prior code § 7222.13)

16.08.490 - Obstruction of access.

No person shall at any time obstruct the free and easy access to and departure from any portion of any public landing, pier or wharf within the marinas.

(Ord. C-5625 § 4 (part), 1980; prior code § 7222.14)

16.08.500 - Automobile on wharves.

No person shall allow any automobile or other vehicle to enter upon a public wharf, pier or landing except to discharge or load freight or passengers. Vehicles ready to load shall have preference over those ready to discharge.

(Ord. C-5625 § 4 (part), 1980; prior code § 7222.15)

16.08.501 - Automobiles on Rainbow Harbor Esplanade.

No person shall allow any automobile or other vehicle, unless authorized by the Director, to enter or park upon the Rainbow Harbor Esplanade.

(ORD-08-0014 § 30, 2008)

16.08.502 - Bicycles on Rainbow Harbor Esplanade.

Bicycle riding on the Rainbow Harbor Esplanade is prohibited in excess of three (3) miles per hour between the hours of ten o'clock (10:00) a.m. and ten o'clock (10:00) p.m., except City employees in the performance of their duties.

(ORD-08-0014 § 31, 2008)

16.08.503 - Roller skates, roller blades and skate boards on Rainbow Harbor Esplanade.

The riding of skate boards, roller skates or roller blades is prohibited on the Rainbow Harbor Esplanade.

(ORD-08-0014 § 32, 2008)

16.08.504 - Commercial activity on Rainbow Harbor Esplanade.

No person is allowed to sell, barter or peddle any good or service on the Rainbow Harbor Esplanade unless permitted by the Director.

(ORD-08-0014 § 33, 2008)

16.08.510 - Anchoring prohibited.

No person shall anchor any vessel in the marinas at any time, except in an emergency.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.16)

16.08.520 - Mooring—Designated areas.

No person shall moor, dock or tie up or permit any vessel to be moored, docked or tied up within the marinas except within an area designated for such purpose by the Director.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.17)

16.08.530 - Mooring—Dangerous prohibited.

No person shall moor, dock or tie up or permit any vessel to be moored, docked or tied up within the marinas in such place or manner as to obstruct, impede the passage of other vessels or create an unreasonable risk or danger to person or property.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.18)

16.08.540 - Mooring—Tying up to another vessel.

No person shall make fast or tie any vessel to a mooring or dock within the marinas whether occupied or not by another vessel or make fast or tie to a vessel already occupying a mooring or dock, except pursuant to a written permit issued by the Director and upon payment of the permit fee prescribed in regulations enacted pursuant to Section 16.08.970. This Section shall apply to rowboats and yacht tenders regularly carried aboard a vessel.

(Ord. C-6250 § 4, 1986: Ord. C-5956 § 5, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7222.19)

16.08.550 - Mooring—By permit or temporary mooring.

No person shall make fast or tie up any vessel to any wharf, pier, mooring gangway or dock within the marinas owned or operated by the City or constructed pursuant to a permit issued under Sections 16.08.760 or 16.08.780 unless procedure set forth in either Subsections A or B of this Section is followed:

- A. A permit is issued pursuant to this Chapter and the written consent of the owner, agent or person in charge of the wharf, pier, mooring, gangway or dock has first been obtained; or
- B. The vessel is moored in a marked and posted temporary vessel mooring area which is a wharf, pier, mooring, gangway or dock within a specified time limit for vessel mooring determined by the City Manager and approved by the City Council and set forth by signs and markings which the City has placed and maintained or caused to be placed and maintained and which give notice of the time limit for temporary mooring.

(Ord. C-7043 § 4 (part), 1992: Ord. C-6250 § 5, 1986: Ord. C-5625 § 4 (part), 1980: prior code § 7222.20)

16.08.551 - Temporary mooring areas for vessels.

Temporary mooring areas for vessels shall be those wharfs, piers, moorings, gangways or docks within the marinas owned by the City that are posted and marked for temporary vessel mooring as follows:

- A. Pierpoint Landing Dock, thirty (30) minutes temporary mooring;
- B. Marina Park Long Dock, thirty (30) minutes temporary mooring;
- C. Davies Long Dock, thirty (30) minutes temporary mooring;
- D. Gangway A Shoreline Marina, thirty (30) minutes temporary mooring, except for the southernmost sixty feet (60') where public mooring is prohibited;
- E. Dock 10, mooring for pump out only on the southernmost eighty feet (80') of dock, and three (3) hour mooring on the remaining two hundred twenty feet (220');
- F. Alamitos Bay pump out, mooring for the pumping out of the vessel's holding tank only;
- G. Alamitos Bay Landing South Long Dock, two (2) hour temporary mooring;
- H. Alamitos Bay Landing North Long Dock, two (2) hour temporary mooring;
- I. Alamitos Bay Marina, slip 59, two (2) hour temporary mooring;
- J. Alamitos Bay Marina, slip 664, two (2) hour temporary mooring;
- K. Alamitos Bay Marina, slip 666, two (2) hour temporary mooring;
- L. Alamitos Bay Marina, slip 585, two (2) hour temporary mooring;
- M. Alamitos Bay Marina, Harbormaster's Dock, thirty (30) minutes for pump out of vessel's holding tank, unless authorized by the Director for marina-related business; and
- N. Rainbow Marina Dock 8, three (3) hour temporary mooring.

Unauthorized mooring in these areas will result in vessel citation or impound in accordance with Subsection 16.08.300.D and/or Section 16.08.810.

(ORD-08-0014 § 12, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.560 - Petroleum product use.

No person shall handle, keep, use or sell gasoline, distillate or any liquid petroleum products, other than lubricating oils, on docks, wharves or piers within the marinas except at such places as may be designated therefor by the Director with the approval of the Chief of the Fire Department, under such regulations, restrictions and limitations as may be imposed.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.21)

16.08.570 - Swimming prohibited.

No person shall swim or dive in the Long Beach Marina area, the Shoreline Marina, the Rainbow Marina, or Rainbow Harbor without the express permission of the Director, except in the following areas:

- A. Marine Stadium East, within the swimming buoy markers along the south shore thereof;
- B. Alamitos Bay, excluding the entrance channel and within three hundred feet (300') thereof.

(ORD-08-0014 § 13, 2008: Ord. C-5625 § 4 (part), 1980: prior code § 7222.22)

16.08.580 - Boarding vessels.

No person shall board, climb into or upon any vessel tied or anchored at any site or location situated within any publicly or privately owned marina without the written consent of the owner, his agent, or any other person having charge thereof, except a public officer or employee in the performance of his official duty or to protect life and property.

(Ord. C-7043 § 4 (part), 1992: Ord. C-5625 § 4 (part), 1980: prior code § 7222.23)

16.08.581 - Sailboard boats.

No person shall operate any sailboard boat, sit-on-top kayak, surfboard, parasail device, paddleboard, or kite surfboard in the following designated areas:

- A. Shoreline Marina;
- B. Rainbow Marina;
- C. Rainbow Harbor;
- D. The entrance channel of the Shoreline Marina, Rainbow Marina, or Rainbow Harbor, or within three hundred feet (300') thereof;
- E. The entrance channel to the Alamitos Bay Marina or within five hundred (500) yards thereof.

"Sailboard boat" means a surfboard with a detachable mast and sail.

(ORD-08-0014 § 14, 2008: Ord. C-7926 § 1, 2004: Ord. C-6250 § 6, 1986: Ord. C-5956 § 39, 1983)

16.08.582 - Throwing rocks.

No person shall wilfully throw, hurl or project a stone, rock or other hard substance at or near a vessel in a marina.

(Ord. C-7043 § 7 (part), 1992)

16.08.590 - Obstructing officers in the performance of their duties.

No person shall resist, delay, or obstruct any of the persons designated in Section 16.08.340 in the discharge or attempt to discharge any duty imposed upon such person by law or refuse to obey any lawful order of any such person.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.24)

16.08.600 - Fireworks.

No person shall possess, light, set off, or discharge fireworks within the marinas.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.25)

16.08.610 - Sand dolly use.

No person shall use any sand dolly within the marinas for a vessel exceeding sixteen feet (16') in overall length.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.26)

16.08.620 - Tying up vessel.

No person shall tie up any vessel lying at any wharf or any slip in the marinas unless fastened thereto in a manner approved by the Director.

(Ord. C-5956 § 6, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7222.27)

16.08.630 - Incoming and outgoing fairways.

The Director shall place or cause to be placed in the entrance channels of the marinas a connected line of buoys separating the incoming and outgoing fairways. No person shall cross or cause a vessel to cross the connected line of buoys.

(Ord. C-5625 § 4 (part), 1980: prior code § 7222.28)

16.08.640 - Racing events.

No person shall conduct or engage in any racing event in Alamitos Bay, Marine Stadium East or Marine Stadium West except pursuant to a permit issued by the Director.

(Ord. C-7043 § 4 (part), 1992; Ord. C-5625 § 4 (part), 1980; prior code § 7222.29)

ARTICLE IV - SPECIAL REGULATIONS

16.08.650 - Marine Stadium West.

- A. The operation of motorboats up to twenty-three feet (23') in length, not including swimstep, for the purpose of water skiing or wake boarding is permitted within areas of Marine Stadium West designated by the Director for that purpose. Within such designated areas, the five (5) mile per hour speed limit shall not be applicable between eight o'clock (8:00) a.m. and sunset during the period of April 1 and September 30, inclusive; between the hours of eight o'clock (8:00) a.m. and sunset on Thursday through Sunday and school holidays during the period of October 1 and March 31, inclusive; between the hours of eight o'clock (8:00) a.m. and four o'clock (4:00) p.m. on Monday through Wednesday, excluding school holidays, during the period of October 1 and March 31, inclusive; and between the hours of six o'clock (6:00) p.m. and sunset on Monday through Wednesday, excluding school holidays, during the period of October 1 and March 31, inclusive; provided, however, no person shall operate any vessel in Marine Stadium West in excess of thirty-five (35) miles per hour.
- B. Within the Marine Stadium West, no person shall:
 - 1. Within the northwest five hundred feet (500') of the extreme northwest end of Marine Stadium West, operate any vessel in excess of five (5) miles per hour. The Director shall mark or cause to be marked said restricted speed area with appropriate buoys;
 - 2. Operate vessels, except for motorboats up to twenty-three feet (23') in length, rowing shells, or other nonmotorized paddle vessels without a permit issued by the Director;
 - 3. Operate personal watercraft. "Personal watercraft" shall mean a vessel less than thirteen feet (13') in length which uses an inboard motor powering a water jet pump or propeller as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting or standing inside the vessel;
 - 4. Possess or consume any alcoholic beverage;
 - 5. Swim without a permit issued by the Director;
 - 6. Tow any object, structure or person with a towline in excess of seventy-five feet (75') in length;
 - 7. Fail to beach immediately any vessel upon the lawful sounding of a warning device by the operator of an official patrol boat;
 - 8. Follow in the wake of any motorboat at a distance of less than two hundred feet (200') when the motorboat is towing any object, structure, or person;
 - 9. Ski without a flag;
 - 10. Leave ski line in the water after a skier drops off. Ski line shall be pulled aboard immediately after skier drops off;
 - 11. Operate a motorboat in any manner except as follows:
 - a. In a southeasterly direction when the boat is closer to the southwesterly shore of the Marine Stadium West than to the northeasterly shore thereof;
 - b.

In a northwesterly direction when the boat is closer to the northeasterly shore of the Marine Stadium West than to the southwesterly shore thereof;

- c. In a right turn when departing from the shore or when approaching the shore.
- 12. Operate any motorboat, except in cases of emergency, in any area other than the established traffic lane. The Director shall give notice of the location of a traffic lane or lanes in the Marine Stadium West consistent with the requirements of this Section by placing appropriate marking buoys therein;
- 13. Operate a motorboat towing more than one (1) person, except during organized events under a permit issued by the Marine Bureau;
- 14. Fail, when skiing, to wear an approved U.S.C.G. personal flotation device of serviceable condition and appropriate size;
- 15. Operate a motorboat unless the vessel is equipped with a means of disengaging and reversing its propulsion, except when participating in an organized event under a permit issued by the Marine Bureau;
- 16. Fish within the Marine Stadium West designated water ski area;
- 17. Operate a ski boom or any side towing apparatus.
- C. The number of vessels permitted to be in use in the Marine Stadium West at any one (1) time shall be determined by the Director.

(ORD-10-0022, § 2, 2010; Ord. C-7611 §§ 1, 2, 1999; Ord. C-7017 § 1, 1992; Ord. C-6250 §§ 7, 8, 1986; Ord. C-5956 §§ 7, 8, 1983; Ord. C-5625 § 4 (part), 1980: prior code § 7223)

16.08.660 - Boat operation in Marine Stadium East.

The speed limits imposed by Sections 16.08.470 and 16.08.471 do not apply at Marine Stadium East for an organized marine event under a permit issued by the Marine Bureau.

(Ord. C-6250 § 9, 1986; Ord. C-5956 § 9, 1983; Ord. C-5625 § 4 (part), 1980: prior code § 7223.1)

16.08.670 - Small boat launching ramps—Marine Stadium West—Marine Stadium East.

- A. No person shall park a motor vehicle in the small boat launching ramp parking lot in either Marine Stadium East or Marine Stadium West unless such vehicle is towing a boat trailer or is carrying a boat. The provisions of this subsection do not apply to a person participating in an organized event under a permit issued by the Marine Bureau.
- B. No person shall park in either Marine Stadium East or Marine Stadium West parking lot or use either of the small boat launching ramp facilities of Marine Stadium East or Marine Stadium West except upon payment of a parking fee as prescribed in regulations enacted pursuant to Section 16.08.970. The provisions of this Subsection do not apply to a person participating in an organized event under a permit issued by the Marine Bureau.
- C. No person shall discharge waste material from, sleep in, or store a trailer, camper or other vehicle in the small boat launching ramp parking lot in either Marine Stadium East or Marine Stadium West.
- D. The launching ramp and parking lots of either Marine Stadium East or Marine Stadium West shall be used only in accordance with regulations enacted pursuant to Section 16.08.970 and, where applicable, in accordance with the terms and conditions of permits issued by the Marine Bureau.

(Ord. C-6250 § 10, 1986; Ord. C-5625 § 4 (part), 1980: prior code § 7223.2)

16.08.680 - No watercraft.

No surfboard, paddleboard or board boat shall be allowed in Shoreline Marina, Rainbow Marina or Rainbow Harbor unless authorized in writing by the Director.

(ORD-08-0014 § 15, 2008: Ord. C-7043 § 7 (part), 1992)

16.08.690 - Beaching of vessels.

No person shall beach, launch or operate any vessel along the shoreline within the designated swimming area adjacent to Marine Park or along the shoreline of that portion of Alamitos Bay south of Second Street except between Isthmus Place and Fifty-fifth Place and at street ends between Fifty-fifth Place and Seventy-first Place. No person shall beach a sailboat in an authorized area without first lowering the sails.

(Ord. C-6250 § 11, 1986: Ord. C-5625 § 4 (part), 1980: prior code § 7223.4)

16.08.700 - Derelicts and stray vessels.

Any stray vessels, derelicts, hulks, wrecks, or parts of any vessel sunk, beached, anchored, or tied up in any place and not in the lawful possession or control of the owner of the property or his agent shall be deemed a hazard to navigation and a public nuisance and subject to removal and disposition as provided in this Section. The Director shall remove and store or cause to be removed and stored for a period not to exceed sixty (60) days any such stray vessel, derelict, hulk, wreck, or part of a wreck. Upon the expiration of the sixty (60) days, the property shall be sold at public auction in accordance with the provisions of Article 4, Chapter 2 of Division 3 of the Harbors and Navigation Code (commencing at Section 500 thereof). The owner of the vessel shall be civilly liable to the City for all costs and expenses incurred by the City in raising, towing, keeping, storing and selling the property. All such costs shall be a lien on the property and the proceeds of sale thereof.

(Ord. C-5625 § 4 (part), 1980: prior code § 7223.5)

16.08.710 - Unseaworthy vessels.

Any vessel which is unseaworthy, dilapidated or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which might become a menace to navigation shall be removed from the waters of the marinas upon the order of the Director. If the owner of any vessel or his agent refuses to comply with the Director's order, the refusal shall constitute grounds for revocation of any permit issued by the Director for mooring or berthing the vessel. The Director may order the vessel removed and stored for a period not to exceed sixty (60) days. Upon the expiration of the sixty (60) day period, the vessel shall be sold at public auction in accordance with the provisions of Article 4 of Chapter 2 of Division 3 of the Harbors and Navigation Code (commencing with Section 500 thereof). The owner of the vessel shall be civilly liable to the City for all costs, fees, damages and expenses incurred by the City in raising, towing, keeping, storing and selling the vessel. All such costs shall be a lien upon the vessel and the proceeds of sale thereof.

(Ord. C-5625 § 4 (part), 1980: prior code § 7223.6)

16.08.720 - Bait gathering—Permit.

- A. Any person who owns and operates a retail or wholesale establishment for the sale of bait and maintains a valid business license for the establishment (whether or not in the City) who desires to remove any molluscs, crustaceans, seaweed or other living marine organisms from pilings, floats, piers, seawalls or other harbor structures within the marinas shall obtain a bait gatherer's permit

from the Director. Any such person shall pay an annual fee in advance as determined by the City Council by resolution per permit. The number of permits to be issued under this Section shall be prescribed in regulations enacted pursuant to Section 16.08.970

- B. The holder of a bait gatherer's permit may, from time to time and upon such form as is provided by the Director, designate such person or persons as are authorized as employees or contractors of permittee to act on permittee's behalf in exercising permittee's right under the permit.
- C. Violation of permit conditions, marina regulations, or relevant City ordinances by permittee or by an authorized person shall be cause for revocation of a permit or for refusal to renew a permit.
- D. This Section does not apply to or prohibit the removal of molluscs, crustaceans, seaweed or other living marine organisms from pilings, floats, piers, seawalls or other harbor structures in the course of maintenance work conducted by or with the approval of the Director, nor to such maintenance work performed on a vessel with the approval of the vessel owner, nor shall it prohibit the Director from granting approval for the picking, gathering or removal of such organisms for scientific, educational or test purposes.

(ORD-10-0014, § 21, 2010; Ord. C-5956 § 11, 1983; Ord. C-5625 § 4 (part), 1980: prior code § 7223.7)

16.08.730 - Private pier location.

No private pier, dock, float, or wharf shall be constructed or maintained along the westerly and southerly shore of Alamitos Bay between the Second Street bridge and Isthmus Place, nor on the southerly shore of Alamitos Bay between Fifty-fifth Place and Sixty-first Place, nor between Sixty-third Place and the boundary of the City.

(Ord. C-5625 § 4 (part), 1980: prior code § 7223.8)

ARTICLE V. - PRIVATE PIERS, WHARVES AND DOCKS

16.08.740 - Pierhead and bulkhead lines established.

Pierhead and bulkhead lines are established for the Long Beach Marina area as the lines are shown on Drawing No. E-146, prepared by and on file in the office of the City Engineer, which drawing is entitled "Harbor Lines Alamitos Bay" and is dated April 2, 1951, as thereafter revised.

(ORD-06-0055 § 1, 2006: Ord. C-5625 § 4 (part), 1980: prior code § 7224)

16.08.750 - Construction beyond bulkhead or pierhead line.

No person shall build, construct, erect, extend, or locate within, upon or over the waters of the Long Beach Marina area, beyond and channelward of the pierhead line, (as defined in Section 16.08.740) any float, pier, landing, wharf, open pile structure or device or structure of whatsoever kind or nature. This Section does not apply to any structure or device constructed, erected, or extended by the City. The Director may grant a permit for the erection or maintenance of a structure beyond the channelward of a pierhead or bulkhead line in cases where particular and unusual circumstances exist which would render compliance with this Section unduly burdensome or impractical.

(Ord. C-7590 § 1, 1999: Ord. C-5625 § 4 (part), 1980: prior code § 7224.1)

16.08.760 - Construction permit—Required.

- A. No person shall construct, reconstruct or maintain any wharf, pier, landing, float, bulkhead, seawall or other structure of any kind whatsoever within the limits of the Long Beach Marina area therein, for the benefit or use of any private person without first obtaining a permit therefor issued by the

Director. No person shall make any filling of any description at any point below the line of the mean high tide within the area; or dredge or excavate therein for the benefit or use of any private person without first obtaining a permit therefor issued by the City Council. Such permits shall be issued only to the fee owner of real property fronting on a waterway within the Long Beach Marina area or to a homeowner's association as provided in Section 16.08.780 for a harbor structure in front of or adjacent to the real property. Prior to the issuance of any such permit, the applicant shall submit plans and specifications for each such structure, filling, dredging or excavation to the Director or City Council, whichever is applicable, for approval and shall obtain a coastal development permit from the California Coastal Commission. Each such structure shall conform to the minimum structural requirements of "Plans and Specifications No. R-4858/Revised 10/94, for the Erection of Structures Channelward of the Bulkhead Lines in the Long Beach Marina Area in the City of Long Beach, California".

- B. Each applicant for a permit under the provisions of this Section shall pay a plan check and an inspection fee as prescribed in regulations enacted pursuant to Section 16.08.970
- C. Any permit issued by the Director or the City Council pursuant to this Section shall be void unless the permittee, within sixty (60) days from the date of issuance thereof, commences construction of the structure or operation authorized thereby and proceeds diligently and in good faith therewith or obtains a written extension of time from the Director.
- D. Each holder of a structure permit issued pursuant to this Section shall pay to the City an annual inspection fee as prescribed in regulations enacted pursuant to Section 16.08.970
- E. If any permittee fails or refuses to commence and diligently prosecute to completion any repairs to a harbor structure as ordered by the Director within the time specified thereof and additional inspections of the harbor structure are required, the permittee shall pay to the City a reinspection fee for each occasion the harbor structure is inspected for compliance with the order of repair in an amount prescribed in regulations enacted pursuant to Section 16.08.970
- F. No annual inspection fee shall be required in private marinas on private property.
- G. Permits issued pursuant to the provisions of this Section and Section 16.08.850 will automatically terminate upon a sale of the permittee's interest in the real property unless the permittee requests the same be transferred and the approval of the Director is first obtained. The permittee shall promptly notify the Director of the transfer of ownership, the effective date thereof, and pay to the City a transfer fee as prescribed in regulations enacted pursuant to Section 16.08.970
- H. In the event any permittee shall fail or refuse to pay when due any annual inspection fee or transfer fee, the Director shall cancel said permit for which payment is delinquent unless the permittee requests, in writing, and is granted by said Director, an extension of time for payment. Upon cancellation of any permit, the permittee shall remove or cause to be removed the structure and discontinue the activities authorized by said permit within the time specified by the Director. In the event said permittee shall fail to remove the structure and discontinue the activities as directed within the time specified by the Director, the Director shall have the right and authority to immediately remove any such harbor structure at the permittee's cost.

(Ord. C-7590 § 2, 1999; Ord. C-7043 § 4 (part), 1992; Ord. C-5956 §§ 13, 14, 15, 1983; Ord. C-5625 § 4 (part), 1980; prior code § 7224.2)

16.08.770 - Construction permit—Application.

Except as provided in Section 16.08.780, only the fee owner of real property who resides upon the real property fronting on any waterway in the Long Beach Marina area may apply for and have issued to him a permit pursuant to Section 16.08.760 to construct and maintain a pier, float, or seawall mooring in front of and adjacent to the real property of the owner. Nothing contained in this Section shall be construed as creating an interest in property or the waters of the Long Beach Marina area which can be transferred or otherwise disposed of except in accordance with the provisions of Section 16.08.760.

(Ord. C-5625 § 4 (part), 1980: prior code § 7224.3)

16.08.780 - Construction permit—Homeowner's association.

In the event a subdivision of lands or the conversion of a building to a condominium, community apartment, stock cooperative project or a time share ownership and the: (i) subdivision or building fronts on a waterway in the Long Beach Marina area; (ii) consists of ten (10) or more residential units; and (iii) the Director determines that the residents could more effectively and efficiently be served by a common pier, brow and float structure or structures, a permit for said common structure or structures may be issued by the Director pursuant to Section 16.08.760 subject to the following findings and conditions:

- A. An association has been formed by the several owners within said subdivision, condominium, community apartment, stock cooperative project or time share project, which association will be legally responsible for the construction, administration and maintenance of said common structure or structures, and which association shall be responsible for compliance with all provisions of law including this Chapter, as to matters relating to said structure.
- B. The design of said structure or structures is approved by the Director.
- C. The association shall agree to provide the Director with a list of all members of the association, all vessels assigned mooring rights at said structure or structures, including the slip assignment of each vessel and the name and residence address of each vessel owner or his agent within ten (10) days of any change of association membership, mooring assignment, or ownership of a vessel.
- D. If the association's charges for use of said structures are limited to those amounts needed to compensate the association for expenses actually incurred for construction, maintenance, repair, replacement, operation, and security, the fees payable pursuant to Subsections 16.08.760.B, 16.08.760.E, and 16.08.760.F shall be the noncommercial rates prescribed in regulations enacted pursuant to Section 16.08.970
- E. No commercial use may be made of any slip or any part of said structure or structures except by separate permit issued by the City Council upon the recommendation by the Director.
- F. The Director shall be authorized to limit and specify the number and type of vessels that may utilize said structure or structures.

(Ord. C-7590 § 3, 1999: Ord. C-5956 § 16, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7224.4)

16.08.790 - Dangerous wharves or piers.

The Director shall notify the permittee of any wharf, dock, or pier or his agent, in writing, of the defective or dangerous condition of any such wharf or pier. Such person shall repair the same or cause its complete removal within sixty (60) days thereafter. The person shall promptly erect fences or other barriers to prevent persons from using or going upon the same until it is repaired or removed. The Director may put up fences or such other barriers as may be necessary for the protection of the public or the Director may remove such structures at the expense of the permittee.

(Ord. C-5625 § 4 (part), 1980: prior code § 7224.5)

16.08.800 - Removal of debris.

In the event any privately owned wharf, dock or pier, or any portion thereof, or any material on such wharf, dock or pier falls into the waters of the marinas, it shall be the duty of the permittee or his agent to remove the material from the waters, and if he fails to do so, the Director may remove or cause the same to be removed and the cost thereof shall be paid upon demand by the permittee.

(Ord. C-5625 § 4 (part), 1980: prior code § 7224.6)

ARTICLE VI - MOORING AREAS

16.08.810 - Authorized area, manner required.

No vessel shall be moored or docked in the marinas except within areas designated for such purpose by the Director. The Director shall be authorized to take such action as is reasonably necessary to move any vessel moored or docked in an unauthorized area or moored or docked in an unauthorized manner. The owner of any such vessel shall pay to the City all costs incurred in moving, keeping and storing any such vessel.

(Ord. C-5625 § 4 (part), 1980: prior code § 7225)

16.08.820 - Nonliability of City.

The removal of any vessel by the Bureau due to unsafe or dangerous mooring or mooring in an unauthorized area or due to the vessel's being in an unsafe or dangerous condition shall be without liability to the City, the Bureau or their personnel.

(Ord. C-5625 § 4 (part), 1980: prior code § 7225.1)

16.08.830 - Wrecked or sunken vessels.

Whenever a vessel is wrecked or sunk in the marinas or any water area within the limits of the City, accidentally or otherwise, the owner thereof shall immediately mark it by a buoy during the day and by a lighted lantern at night and maintain such markings until the sunken vessel or obstruction is removed. It is unlawful for any person owning a vessel or having charge of a vessel to fail to mark the location of a wrecked or sunken vessel. The owner thereof shall immediately commence the removal of the obstruction and shall prosecute the removal diligently to completion, and the failure to do so shall constitute an abandonment of the vessel and subject the vessel to removal and disposition in accordance with the provisions of Section 16.08.710.

(Ord. C-5625 § 4 (part), 1980: prior code § 7225.2)

16.08.840 - Temporary use of mooring of another.

The Director shall have the right to permit the temporary use of any vacant mooring or dock within the marinas; provided, however, the Director shall make reasonable efforts to locate the permittee thereof to obtain that permittee's consent prior to authorizing any such mooring. In the event the Director has granted such permission, no person temporarily using such mooring or dock shall fail immediately to remove any vessel therefrom upon order of the Director or the permittee thereof so to do.

(Ord. C-5956 § 17, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7225.3)

ARTICLE VII - MOORING PERMITS AND FEES

16.08.850 - Seawall permit and fees.

- A. The fee owner of real property fronting on a waterway within the Long Beach Marina area who has a structure connected to a publicly owned seawall, which structure was constructed pursuant to a permit issued by the Director, pursuant to Sections 16.08.750, 16.08.760 or 16.08.780, shall obtain a permit for every vessel moored thereat from the Director and shall pay annually to the City, in addition to the fees prescribed in Section 16.08.760, a seawall mooring fee in the amount prescribed in regulations enacted pursuant to Section 16.08.970
- B. Vessels under ten feet (10') moored to davits for which a permit has been obtained pursuant to Section 16.08.760 shall be exempt from the seawall mooring fee.

(Ord. C-7590 § 4, 1999; Ord. C-6749 § 1, 1990; Ord. C-5956 § 18, 1983; Ord. C-5625 § 4 (part), 1980; prior code § 7226)

16.08.860 - Shore mooring permit and fees.

- A. The owner of every vessel moored in the Long Beach Marina area to the shore shall obtain a permit therefor from the Director and shall pay annually to the City a shore mooring fee in the amount prescribed in regulations enacted pursuant to Section 16.08.970
- B. Shore mooring permits shall be issued only to owners of vessels permitted to use shore moorings. The shore mooring permits are nontransferable.
- C. Shore moorings for sand dollies, which consist of a steel ring mounted to the seawall with numbers assigned painted thereon, shall be placed at such locations as the Director shall designate.

(Ord. C-5625 § 4 (part), 1980; prior code § 7226.1)

16.08.870 - Cancellation of permit.

Any permit issued by the Director pursuant to Sections 16.08.850 or 16.08.860, may be cancelled at any time upon giving a five (5) day written notice to the permittee of the cancellation. The mailing of a notice to the permittee at the address designated on his permit shall be deemed to be sufficient notice of cancellation. Upon the cancellation of the permit, it shall be the duty of the permittee immediately to remove his vessel and/or harbor structure prior to the date of cancellation specified in the notice. If he fails to remove the same, the Director shall remove or cause the same to be removed at the permittee's cost.

(Ord. C-5625 § 4 (part), 1980; prior code § 7226.2)

16.08.880 - Transfer.

Seawall permits may be transferred only in accordance with the provisions of Subsections 16.08.760.H and 16.08.780.C, to a person who is the owner of a vessel and the Director determines that the mooring or dock is adequate for such vessel.

(Ord. C-5956 § 19, 1983; Ord. C-5625 § 4 (part), 1980; prior code § 7226.3)

16.08.890 - Shore mooring waiting list administrative fee.

In addition to any fee required by Section 16.08.860, any person who submits an application for a shore mooring within the Long Beach Marina area, which application is filed in the separate waiting list of pending applications for shore moorings, shall pay a one (1) time waiting list administrative fee in the amount prescribed in regulations enacted pursuant to Section 16.08.970.

(Ord. C-5625 § 4 (part), 1980; prior code § 7226.4)

ARTICLE VIII. - MARINA SLIP PERMITS AND FEES

16.08.900 - Required.

- A. No person shall berth any vessel at any slip within the Marina Basins, the Shoreline Marina, the Rainbow Marina or the Rainbow Harbor without first obtaining a permit from the Director. Such permit, except for a permit for a visiting vessel, shall include a declaration from the owner that the Marina Basins or other marina is the situs for his or her vessel for purposes of levying by the City. Every person who has been issued a permit pursuant to this Section shall pay to the City such fees and deposits as are prescribed in regulations enacted pursuant to Section 16.08.970
- B. Any deposit made or required shall not be refunded in the event the permit for occupancy is granted. It shall, however, be refunded, less an administrative processing fee, in the event an application is withdrawn prior to the issuance of such permit. Subject to the prior approval of the City Council, a permit may be granted to the United States of America, the State, the County, the City, or to any public agency thereof, to berth a vessel within the marinas without the payment of a fee therefor.

(ORD-08-0014 § 16, 2008: Ord. C-5956 § 20, 1983: Ord. C-5625 § 4 (part), 1980: prior code § 7227)

16.08.910 - Waiting list administration fee.

In addition to any payment or deposit required by Section 16.08.900, any person who submits an application for a slip within the marinas, which application is filed in the separate waiting list of pending applications for slips, shall pay a one (1) time waiting list administration fee in the amount prescribed in regulations enacted pursuant to Section 16.08.970.

(Ord. C-5625 § 4 (part), 1980: prior code § 7227.1)

16.08.920 - Commercial vessels.

No permit for a slip within the marinas shall be granted for a vessel which is used for commercial purposes except for a vessel operating under a contract or permit authorized by the City Council.

(Ord. C-5625 § 4 (part), 1980: prior code § 7227.2)

16.08.930 - Visiting vessels.

Owners, operators or persons in charge of visiting vessels shall obtain a permit from the Director for use of slips and related facilities at the marinas and pay rental fees and charges as prescribed in regulations enacted pursuant to Section 16.08.970. The Director may, but is not required to, exempt visiting vessels from such fees and charges under any of the following conditions:

- A. Upon written request from the organizer of a boating event in order to permit participation of the visiting vessel in the boating event; such exemption will be limited to a period not exceeding forty-eight (48) hours unless the Director determines that the event is one of special significance to the City; or
- B. When seeking emergency shelter due to adverse weather conditions, mechanical or structural failures, or any other emergency condition requiring temporary berthing. The temporary berthing, as a result of the condition under which the vessel sought shelter, may be continued at the lineal foot rate specified in Section 16.08.900, prorated daily, and the length of the temporary emergency stay to be determined by the Director.

(Ord. C-5625 § 4 (part), 1980: prior code § 7227.3)

16.08.940 - Small boat storage rack.

No person shall store any small boat in excess of ten feet (10') in length in the small boat storage rack facilities owned or operated by the City without a permit from the Director. A permittee shall pay to the City, monthly in advance, a fee in the amount prescribed in regulations enacted pursuant to Section 16.08.970. The application for such permit shall be accompanied by a sum of money equal to the first month's rental. Any permit issued pursuant to this Section may be canceled by the Director for nonpayment of the fee upon five (5) days' written notice to the permittee.

(Ord. C-5956 § 21, 1983; Ord. C-5625 § 4 (part), 1980; prior code § 7227.4)

16.08.950 - Temporary use by another vessel.

Unless otherwise directed by the Director or provided for in this Chapter, no person holding a permit issued pursuant to Section 16.08.900 shall allow any vessel to be moored within an assigned slip space other than the vessel specified in the permit. The Director, upon presentation of a Bureau application form executed by both the person holding the permit issued pursuant to Section 16.08.900 and the person having ownership or control of an alternate vessel, may allow temporary use of an assigned slip by an alternate vessel. The temporary use shall be subject to such time limitations and such terms and conditions as the Director may prescribe. An administration fee in an amount prescribed in regulations enacted pursuant to Section 16.08.970 shall be paid at the time the application is presented.

(Ord. C-5625 § 4 (part), 1980; prior code § 7227.5)

16.08.960 - Temporary reassignment.

When, by reason of damage or necessary repairs to a slip, the slip is unusable, the Director may temporarily reassign the mooring of any vessel from the unusable slip to another slip during the time required for repair or reconstruction of the slip. In the event of the temporary reassignment, the fees payable by the permittee may be the same as those applicable at the slip originally assigned regardless of the length of the slip to which the temporary reassignment is made.

(Ord. C-5625 § 4 (part), 1980; prior code § 7227.6)

ARTICLE IX. - MISCELLANEOUS PROVISIONS

16.08.970 - Regulations establishment.

The City Council may adopt, repeal, amend and modify regulations regarding the berthing of vessels and other activities and operations within the marinas, harbors and mooring areas. Any and all fees or service charges established pursuant to the provisions of this Chapter shall be enacted by resolution of the City Council. Upon adoption, repeal, amendment or modification of the regulations by the City Council, the regulation shall be filed in the office of the City Clerk and posted in a conspicuous place or places within the marina. Any person who violates any such regulation shall be subject to the penalties provided for in Section 1.32.010 of this Code. As to any person who is a permittee under the provisions of this Chapter, violation of any such regulation, in addition to the penalties applicable to persons generally, shall be cause for revocation and cancellation of the person's permit.

(ORD-08-0014 § 17, 2008; ORD-06-0039 § 5, 2006; Ord. C-5625 § 4 (part), 1980; prior code § 7228)

16.08.980 - Fees payable in advance.

All fees required to be paid by this Chapter are payable in advance, except for those fees prescribed in Subsection F of Section 16.08.760. Every person required to pay any fee, charge or cost prescribed by this Chapter, who fails to pay within ten (10) days after the same has become due must pay, in addition to the amount of the fee, a sum equal to ten percent (10%) thereof.

(Ord. C-5956 § 22, 1983; Ord. C-5625 § 4 (part), 1980; prior code § 7228.1)

16.08.985 - Penalty.

Violation of any provision of Section 16.08.551 (temporary mooring) is an infraction punishable by a fine not to exceed one hundred dollars (\$100.00).

(Ord. C-7043 § 7 (part), 1992)

16.08.990 - Refunds.

If any permit issued pursuant to this Chapter is canceled because the permittee has violated a condition of the permit or any rule, regulation, or law relating to permittee's conduct in operating, maintaining, or mooring a vessel in the marinas, no portion of the permit fee paid by permittee shall be refunded. If the permit is canceled for any other reason, then the unearned portion of the permit fee may be refunded in accordance with Chapter 3.48 of this Code.

(ORD-06-0016 § 1, 2006; Ord. C-5625 § 4 (part), 1980; prior code § 7228.2)

CHAPTER 16.12 - PACIFIC OCEAN AREAS

ARTICLE I. - DEFINITIONS

16.12.010 - Generally.

The words and phrases defined in Sections 16.12.020 through 16.12.110 whenever used in this Chapter shall have the meanings indicated unless the context requires a different meaning.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230 (part))

16.12.020 - Bureau.

"Bureau" means the Marine Bureau, a division of the tidelands agency of the City.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230(f))

16.12.030 - City Manager.

"City Manager" means the City Manager of the City of Long Beach.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230(h))

16.12.040 - Claremont Avenue launching ramp.

"Claremont Avenue launching ramp" means and includes that area easterly of and contiguous with the Claremont Avenue parking lot designated by the Director of the Marina Department as a surf-sail launching facility.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230(d))

16.12.050 - Director.

"Director" means the Manager of a Marine Bureau.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230(g))

16.12.060 - Golden Shore small boat launching basin and Catalina Landing.

"Golden Shore small boat launching basin" and "Catalina Landing" mean those areas outlined on Drawing D-504 prepared by the City Engineer, which drawing is on file in the office of the City Clerk.

(Ord. C-5625 § 6 (part), 1980; prior code § 7230(e))

16.12.061 - Golden Shore Launch Ramp Docks.

"Golden Shore Launch Ramp Docks" means and includes the two (2), one hundred foot (100') docks located within the water area of the Golden Shore Launch Ramp Basin, as defined in Section 16.12.060.

(Ord. C-7043 § 8 (part), 1992)

16.12.070 - Mouth of the Los Angeles River.

"Mouth of the Los Angeles River" means that portion of the near shore ocean area extending westerly and northerly to the head of navigation of the Los Angeles River (also described as the Los Angeles County flood control channel) from a line beginning on Pier J at latitude 33° 45' 2.1" N in longitude 118° 11' 14.2"

W; thence easterly along the northern boundary of Commercial Anchorage E to latitude 33° 45' 13.8" N, longitude 118° 10' 36.0" W; thence northerly to the shoreline at latitude 33° 45' 49.6" N, longitude 118° 10' 36.0" W.

(Ord. 5625 § 6 (part), 1980: prior code § 7230(c))

16.12.080 - Nearshore ocean area.

"Nearshore ocean area" means that portion of the Pacific Ocean within the limits of the City shoreward of a line extending northwesterly from Light "1" of the Alamitos Bay West Jetty to the southern marker light on Island White, thence westerly to the stern of the Queen Mary.

(Ord. C-6366 § 1, 1987: Ord. C-5956 § 23, 1983: Ord. C-5625 § 6 (part), 1980: prior code § 7230(b))

16.12.090 - Person.

"Person" means and includes any individual, partnership, corporation, organization, association, federal, State and local governmental entity or political subdivision or agency thereof.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7230(j))

16.12.100 - Protected ocean swimming area.

"Protected ocean swimming area" means that portion of the Pacific Ocean within the limits of the City and within the near shore ocean area designated by the Director as a swimming area shoreward of a line marked with a series of white marker buoys located approximately eight hundred feet (800') apart and extending generally in an easterly and westerly direction approximately parallel to the shoreline of the City's public bathing beaches between the southerly prolongation of the westerly line of First Place and the southerly prolongation of the centerline of the westerly jetty of the Alamitos Bay entrance channel.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7230(a))

16.12.110 - Vessel.

"Vessel" means and includes ships of all kinds regardless of the manner of propulsion and every structure designed to be, adapted to be, or capable of being navigated or operated on water from place to place for the transportation of merchandise, persons or for any other purpose.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7230(i))

ARTICLE II. - NEARSHORE OCEAN AREAS

16.12.120 - Vessels restricted from swimming area.

No person shall operate any vessel within the protected ocean swimming area except for the purpose of launching from and landing at a small boat launching facility designated and posted as such by the Director. The provisions of this Section do not apply to vessels operated by or for the City, the County, the State or the United States or an agency or instrumentality thereof when engaged in the performance of an official duty.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231)

16.12.130 - Launch from or landing on beach.

No person shall launch or land any vessel from the beach, shore or surf of the protected ocean swimming area or use any vessel in the surf except as provided in this Section. In launching from or landing at the beach, shore, or surf, the operator of any vessel shall select a course as near to right angles to the beach as navigation allows and shall not exceed five (5) miles per hour. No person shall use any vessel in a reckless or negligent manner so as to endanger swimmers within the protected ocean-swimming area. The Director shall designate and post specific areas of the beach, shore and surf where vessels may be launched, landed, moored, beached and tied up and may, by regulation, designate the types of vessel appropriate to the area, the times and dates of use and the rules applicable to the use of the area. This Section does not apply to vessels and other devices operated by and for the City, the County, the State, or the United States or any agency or instrumentality thereof when engaged in the performance of an official duty.

(Ord.-C-6252 § 1, 1986; Ord.-C-5625 § 6 (part), 1980: prior code § 7231.1)

16.12.131 - Launch from or landing on the shores or rocks in the San Gabriel River.

No person shall launch or land any vessel from the shores or rocks in the San Gabriel River within the limits of the City.

(Ord.-C-6366 § 3, 1987)

16.12.140 - Water skiing and aquaplaning.

No person shall water ski, aquaplane, or use a similar device within the near shore ocean area except in areas thereof designated and marked by the Director for that purpose. Within such designated areas no person shall:

- A. Operate a vessel between sunrise and sunset in excess of thirty-five (35) miles per hour;
- B. Operate a vessel between sunset and sunrise in excess of five (5) miles per hour;
- C. Tow any object, structure, or person with a towline in excess of seventy-five feet (75') in length;
- D. Possess or consume any alcoholic beverage;
- E. Fail to stop any vessel upon the lawful sounding of a warning device by the operator of an official patrol boat;
- F. Follow in the wake of any vessel at a distance of less than two hundred feet (200') when the vessel is towing any object, structure or person;
- G. Operate a vessel in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.2)

16.12.150 - Racing events.

No person shall conduct or engage in any racing event within the nearshore ocean area except pursuant to a permit issued by the Director.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.3)

16.12.151 - Speed limit.

No person shall operate a vessel in excess of the designated speed limit in the nearshore ocean area. The provisions of this Section shall not apply to the water areas within the harbor district of the City.

- A.

No person shall operate a vessel in the nearshore ocean area in excess of thirty-five (35) miles per hour.

- B. No person shall operate a vessel in excess of five (5) miles per hour in the mouth of the Los Angeles River from the Ocean Boulevard bridge south and east to a line extending from the stern of the Queen Mary to the east marker light of Island Grissom.
- C. No person shall operate a vessel in excess of five (5) miles per hour in that portion of the San Gabriel River located within the limits of the City.

(Ord.-C-6366 § 2, 1987; Ord.-C-5956 § 40, 1983)

16.12.152 - Restricted area.

No person shall operate any vessel, surfboard, paddleboard or board boat, or swim in the water area between the easterly mole of the Downtown Shoreline Marina and Oil Island Grissom. The provisions of this Section shall not be applicable to City employees performing an official duty.

(Ord.-C-5956 § 41, 1983)

16.12.160 - Mooring or anchoring—Nearshore ocean area.

- A. No person shall anchor any vessel, raft, barge, or float within the mouth of the Los Angeles River.
- B. No person shall anchor, moor, tie or otherwise keep or maintain any vessel, raft, barge or float within the nearshore ocean area easterly of the line described in Section 16.12.070 without a permit issued by the Director.
- C. Any vessel, raft, barge or float which is anchored, moored, tied or otherwise kept or maintained in said areas in violation of this Section may be removed by the Director and stored at the risk and expense of the owner of the vessel, raft, barge or float at such location as may be designated by the Director. The owner of any such vessel, raft, barge or float shall be civilly liable to the City for all costs incurred in removal and storage. The costs of removal and storage shall be a lien dependent upon possession upon the vessel, raft, barge or float or the proceeds of the sale thereof. If the vessel, raft, barge or float is not claimed by the owner thereof within sixty (60) days after notice to the owner, the vessel, raft, barge or float shall be sold at public auction in accordance with the provisions of Article 4, Chapter 2 of Division 3 of the Harbor and Navigation Code (commencing at Section 500 thereof).
- D. The provisions of this Section shall not be applicable to the water areas of the nearshore ocean area included within the harbor district of the City.

(Ord.-C-5625 § 6 (part), 1980; prior code § 7231.4)

16.12.161 - Temporary mooring.

No person shall moor or tie a vessel in a marked and posted temporary vessel mooring area which is designated on a wharf, pier, mooring, gangway or dock for longer than the specified time limit for vessel mooring determined by the City Manager and approved by the City Council and set forth by signs and markings which the City has placed and maintained or caused to be placed and maintained and which give notice of the time limit for temporary mooring.

(Ord.-C-7043 § 8 (part), 1992)

16.12.162 - Temporary mooring areas.

Temporary mooring areas for vessels shall be those wharfs, piers, moorings, gangways or docks within the near shore ocean areas owned by the City that are posted and marked for temporary vessel mooring as follows:

A. Golden Shore launch ramp docks, thirty (30) minutes.

(Ord.-C-7043 § 8 (part), 1992)

16.12.170 - Mooring or anchoring—Pacific Ocean.

No person shall anchor, moor, tie or otherwise keep or maintain any vessel, raft, barge or float within the waters of the Pacific Ocean outside of the near shore ocean area and within the limits of the City without a permit issued by the United States Coast Guard Captain of the Port of Los Angeles—Long Beach.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.5)

16.12.180 - Swimming and diving.

No person shall dive, plunge or otherwise enter or swim in any portion of the near shore ocean area outside the protected ocean swimming area. The provisions of this Section shall not be applicable to water areas of the near shore ocean area within the harbor district of the City or to City employees performing an official duty.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.6)

16.12.190 - Surfboards or paddleboards.

No person shall use or manipulate any surfboard, paddleboard, skimmer, sailboard, sit-on-top kayak, parasail board, kite surfboard or bellyboard in the surf along the beaches of the protected ocean swimming area in a reckless or negligent manner so as to endanger the life, limb, or property of any person. No person shall swim, or use or manipulate any surfboard, paddleboard, skimmer, sailboard, sit-on-top kayak, parasail device, kite surfboard or bellyboard within five hundred (500) yards of the ocean entrance to Alamitos Bay.

(Ord.-C-7926 § 2, 2004: Ord.-C-5625 § 6 (part), 1980: prior code § 7231.7)

16.12.200 - Climbing on lifeguard stations and/or towers.

No person shall climb or cause another person to climb on any lifeguard station, tower or ladder on the beaches of a municipal pier adjacent to the protected ocean swimming area. The provisions of this Section do not apply to City employees performing an official duty.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.8)

16.12.210 - Dangerous objects.

No person shall throw, deposit or leave or cause to be thrown, deposited or left any glass, bottle, tin can, aluminum can, nail, rubbish or other dangerous object upon the beaches of the protected ocean swimming area, that part of the Pacific Ocean within the limits of the City or such other place where such material may be washed onto the beaches of the protected ocean swimming area.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.9)

16.12.220 - False distress calls.

No person shall wilfully give or sound a false call for aid or rescue from the surf or waters of the near shore ocean area.

(Ord.-C-5625 § 6, (part), 1980: prior code § 7231.10)

16.12.230 - Defacing public property.

Within the near shore ocean area and on the shore and beach areas adjacent thereto no person shall destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice, bulkhead, retaining wall, landing structure or any other property installed and maintained by or under permit from the Director or any proper governmental authority.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.11)

16.12.240 - Unseaworthy vessels.

No person shall moor, anchor or allow to remain within the near shore ocean area or upon the beaches adjacent thereto any vessel of any kind whatsoever which is unseaworthy, dilapidated or in a badly deteriorated condition, or which is likely to sink and damage docks, wharves, floats or other vessels or become a menace to navigation. Any vessel in such condition is declared to be a public nuisance and shall be subject to removal and sale in accordance with the provisions of Section 16.08.710.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.12)

16.12.250 - Aircraft.

No person shall land on, take off from, or operate any aircraft on the waters of the near shore ocean area.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.13)

16.12.260 - Sanitation.

No person shall throw, discharge, deposit or leave any refuse, sewage, oil or water matter of any description upon or into the waters of the near shore ocean area, and no person shall discharge or deposit material of any kind on the banks, walls, sidewalks or beaches that border the near shore ocean area where such material may be washed into the waters of the near shore ocean area by tides, stormwaters or otherwise. Any person that intentionally or negligently causes or permits any of said substances to be deposited or discharged into the waters of or upon a bank, sidewalk, seawall, wharf, wharf road, street leading to a wharf, float, pier, harbor structure or beach of the near shore ocean area shall be civilly liable to the City for all actual damages in addition to the reasonable costs actually incurred in the cleaning or abating activities.

(Ord.-C-5625 § 6 (part), 1980: prior code § 7231.14)

16.12.265 - Penalty.

Violation of any provision of Sections 16.12.161 and 16.12.162 is an infraction punishable by a fine not to exceed one hundred dollars (\$100.00).

(Ord.-C-7043 8 (part), 1992)

ARTICLE III. - GOLDEN SHORE SMALL BOAT LAUNCHING BASIN AND CATALINA LANDING

16.12.270 - Parking lot areas.

- A. No person shall park a motor vehicle in the parking lot at the Golden Shore small boat launching basin unless the vehicle is towing a boat trailer or is carrying a boat.
- B. No person shall use the Golden Shore small boat launching basin without first paying a launching fee as prescribed in regulations enacted pursuant to Section 16.08.970
- C.

No person shall discharge waste material from, sleep or cook in, a house trailer, camper or motor home while such vehicle is in a parking lot within the Golden Shore small boat launching basin.
(Ord.-C-5956 § 24, 1983; Ord.-C-5625 § 6 (part), 1980: prior code § 7232)

16.12.280 - Prohibited acts.

No person shall:

- A. Operate a boat within the Golden Shore small boat launching basin or Catalina landing at a speed in excess of five (5) miles per hour,
- B. Tow any object, except a disabled vessel, or trail any line within the Golden Shore small boat launching basin or Catalina landing;
- C. Fish or swim within the Golden Shore small boat launching basin or Catalina landing;
- D. Berth a vessel at the Golden Shore small boat launching basin launching ramp, except for purposes of loading and unloading for periods not to exceed one-half (½) hour respectively;
- E. Leave vessels, trailers or vehicles unattended in the Golden Shore small boat launching basin launching ramp.

(Ord. C-6252 § 2, 1986; Ord. C-5956 § 25, 1983; Ord. C-5625 § 6 (part), 1980: prior code § 7232.1)

ARTICLE IV. - CLAREMONT AVENUE LAUNCHING RAMP

16.12.290 - Launching fees.

No person shall use the Claremont Avenue launching ramp without first paying a launching fee as prescribed in regulations enacted under Section 16.08.970.

(Ord. C-5625 § 6 (part), 1980: prior code § 7233)

16.12.300 - Prohibited acts.

Within the Claremont Avenue launching ramp area, no person shall:

- A. Park any motor vehicle unless the vehicle is towing a boat trailer or is carrying a boat;
- B. Discharge waste material from, sleep, cook, or store any house trailer, camper or motor home;
- C. Store any boat trailer on the surfaced portion of the launching ramp. Boat trailers may be temporarily stored on sand areas of the beach in the near vicinity of the surfaced portions of the launching ramp area;
- D. Use the launching ramp facilities except in accordance with rules and regulations promulgated by the Director of the Marine Department and approved by the City Council.

(Ord. C-5625 § 6 (part), 1980: prior code § 7233.1)

CHAPTER 16.16 - PARKS AND BEACHES

FOOTNOTE(S):

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Cross reference— For provisions on the Director of Recreation, see the City Charter.

16.16.010 - Prohibited acts.

No person shall do any of the acts hereafter enumerated within the limits of any public park, public beach, beach area parking lot, bicycle path, public building or enclosure, or public amphitheater or plaza:

- A. Lead or turn loose any animal. Except on bicycle paths, public beaches or public school grounds, this Subsection shall not apply to dogs when led by a leash no more than eight feet (8') in length;
- B. Cut, break, injure, deface, remove, or disturb any tree, shrub, plant, flower, fence, monument, or other structure, or store personal belongings in areas designated by the Director of Parks, Recreation and Marine. The Director of Parks, Recreation and Marine is authorized to place and maintain or cause to be placed and maintained proper signs designating the areas where such storage is prohibited;
- C. Swim, bathe, wade in, or pollute any water fountain, pond, lake, or stream except in those places designated by the Director of Parks, Recreation and Marine for that purpose. The Director of Parks, Recreation and Marine is authorized to place and maintain or cause to be placed and maintained proper signs designating the prohibited activities;
- D. Make or kindle any fire except in a permanent or portable enclosure installed or maintained by the City for that purpose;
- E. Camp, except in areas designated by the Director of Parks, Recreation and Marine for that purpose. The Director of Parks, Recreation and Marine is authorized to place or maintain or cause to be placed and maintained proper signs designating permitted camping areas. As used in this Section, "camping" means residing in or using a park or beach for living accommodation purposes, as exemplified by remaining for prolonged or repetitious periods of time not associated with ordinary recreational use of a park or beach with one's personal possessions (including, but not limited to, clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware, and similar material), sleeping or making preparations to sleep, storing personal belongings as above defined, regularly cooking or consuming meals, or living in a parked vehicle. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is using a park or beach as a living accommodation regardless of their intent or the nature of any other activities in which they might also be engaging;
- F. Distribute, post or display any handbills, notices, papers, or any other advertising matter of any description, or offer or solicit for sale advertising or real estate;
- G. Play or engage in any game except in those places designated for that purpose;
- H. Throw or deposit any bottles, tin cans, broken glass, papers, clothes, iron or any rubbish or refuse except in the receptacles furnished for that purpose;

- I. Play any musical instrument or any electrically amplified music in a manner which will disturb the peace and quiet of any neighborhood or person;
- J. Ride upon or in any paddleboard, bellyboard, raft, canoe, float, or inflatable or rigid watercraft of any type upon any body of water, either temporary or permanent, within any public park without first having obtained a permit from the Director of Parks, Recreation and Marine;
- K. Remain or stay, or store personal belongings, between the hours of ten o'clock (10:00) p.m. and one (1) hour before sunrise at any public park, public beach, public building or enclosure or public amphitheater or plaza. However, the Director of Parks, Recreation and Marine, in consultation with the Chief of Police, is authorized to alter hours of closing temporarily at any public park, public beach, beach and marina parking lot, public building or enclosure, or public amphitheater or plaza in the interest of public safety, health, or welfare, and no person shall remain or stay while any of the foregoing facilities are closed by the Director. This Subsection shall not apply to any person attending an activity, program, concession or special event, or the parking of a vehicle overnight, for which a City permit has been issued;
- L. Leave any kite board control line laying on the beach when the parasail kite is not in use. Control lines should be secured in such a manner so as not to create an obstruction for any City equipment or vehicles, or for patrons of the beach;
- M. Flying a kite within one hundred feet (100') of the bike path;
- N. Allowing kite control lines to cross the bike path while flying a kite;
- O. Notwithstanding the provisions of Subsection 16.16.010.K:
 - 1. The beach from the easterly portion of Belmont Pier to the westerly portion of the Belmont pool building shall be open between the hours of ten o'clock (10:00) p.m. and twelve o'clock (12:00) midnight.
 - 2. Walking, jogging, or fishing (by members of the public having on their possession a valid California fishing license) shall be allowed on the wet sand of all beaches between the hours of ten o'clock (10:00) p.m. and twelve o'clock (12:00) midnight. "Wet sand" shall be defined, for the purpose of this Section, as that portion of the beach that is wet as a result of the wash of the waves or tidal action. Individuals may go to or come from the wet sand, for one of the purposes allowed, between the hours of ten o'clock (10:00) p.m. and twelve o'clock (12:00) midnight by the most direct route available at any given location.
- P. On the Fourth of July, beaches and beach parking lots shall be closed from twelve o'clock (12:00) midnight to one (1) hour before sunrise;
- Q. For holidays not enumerated in this Section or for special events for which a permit has been issued pursuant to Chapter 5.60 of this Code, the Director of Parks, Recreation and Marine, in consultation with the Chief of Police, may adjust the hours of operation of beach or beach parking lots so that they may be used until twelve o'clock (12:00) midnight on such occasions;
- R. Smoking shall be banned on City beaches, the beach bike path and City beach launch ramps as more specifically set forth in Chapter 8.68 of this Code.
- S. Entry Outside Posted Hours Prohibited. The Director of Parks shall be authorized to designate the hours of operation or the business hours for any fenced, gated, or otherwise enclosed grounds, area, structure or facility of the Department of Parks, Recreation and Marine by providing reasonable notice to the public by signs and/or posting. Except during the posted hours of operation or business hours, no person shall enter, occupy, remain, or otherwise be within any fenced, gated, or otherwise enclosed grounds, area, structure or facility without prior

authorization from the Director of Parks, Recreation, and Marine or the Director's designee. The hours of operation or business hours shall be posted at the public entry of each fenced, gated, or otherwise enclosed grounds, area, structure or facility subject to this Subsection. The provisions of this Section shall not apply to a peace officer, security officer, emergency personnel or employee of the Department of Parks, Recreation and Marine acting in an official capacity.

(ORD-07-0027 § 1, 2007; ORD-07-0023 § 1, 2007; Ord. 05-0015 § 2, 2005; Ord. C-7926 § 3, 2004; Ord. C-7211 § 3, 1994; Ord. C-7118 § 3, 1993; Ord. C-7043 § 5 (part), 1992; Ord. C-6694 § 1, 1990; Ord. C-6637 § 1, 1989; Ord. C-6445 § 1, 1987; Ord. C-6132 § 1, 1985; Ord. C-5956 §§ 26—31, 1983; Ord. C-5624 § 1 (part), 1980: prior code § 7300)

16.16.015 - Designated skatepark.

- A. "Designated Skatepark" means an area within a park or other public property which is posted as a skatepark permitting one (1) or more skate activities, and which is reserved exclusively, either during all hours of operation, or during posted times, for one (1) or more skate activities.
- B. "Director" means the Director of Parks, Recreation and Marine or his designee.
- C. "Skate activity" means the use of any non-motorized recreational apparatus with wheels.
- D. "Skater" means any person participating in a skate activity.
- E. The Director is authorized to temporarily designate an area on any public property as a designated skatepark.
- F. Skaters must wear a safety helmet, elbow pads and kneepads at all times while participating in a skate activity within a designated skatepark.
- G. No person, other than a skater as authorized and posted pursuant to Section 16.16.017, is permitted within a designated skatepark, except that spectators may sit or stand in areas designated for that purpose.
- H. No organized activity, event or competition shall take place in any designated skatepark without the written permission of the Director.
- I. No portion of any designated skatepark may be modified, altered, or added to in any manner without the written permission of the Director.
- J. Skate activities are limited within the designated skatepark to surfaces, equipment or obstacles installed for that purpose. No skate activity is permitted on walls or other boundary structures or seating areas immediately surrounding or adjoining the designated skatepark.
- K. Children under the age of fourteen (14) are not permitted to use skateparks without adult supervision.
- L. All non-motorized recreational apparatus with wheels shall be in good working order, properly equipped and in a condition which does not cause mud or dirt to be deposited in the skatepark.
- M. The Director is authorized to post additional rules he determines are necessary for the safe operation of the designated skatepark.

A violation of this Section shall be an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or more violations of this Section within a twelve (12) month period may be charged as a misdemeanor.

(ORD-12-0005, § 1, 2012; Ord. C-7946 §§ 2, 3, 2004; Ord. C-7701 § 1, 2000)

16.16.017 - Non-motorized recreational apparatus with wheels in designated skateparks.

- A. "Bike Rider" means a person using a non-motorized recreational apparatus with wheels in a designated skatepark.
- B. "Non-motorized recreational apparatus with wheels" means any type of recreational or sports apparatus without a motor that is propelled by human force and moves on wheels, such as a bicycle, skateboard, scooter, in-line skates, etc.
- C. "Director" means the Director of Parks, Recreation and Marine or his designee.
- D. All non-motorized recreational apparatus with wheels shall be in good working order, properly equipped and in a condition which does not cause mud or dirt to be deposited in the skatepark.
- E. On a trial basis, the utilization of non-motorized recreational apparatus with wheels is permitted in all City owned skateparks during hours determined by the Director.
- F. Bike Riders must wear a safety helmet, elbow pads and kneepads at all times while riding within the skatepark.
- G. The Director is authorized to post additional rules he determines are necessary for the safe operation of the designated skatepark.
- H. The Director shall have the discretion to terminate the pilot program prior to its scheduled conclusion.
- I. This Section shall cease to be of any effect on February 28, 2013, unless extended.

A violation of this Section shall be an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or more violations of this Section within a twelve (12) month period may be charged as a misdemeanor.

(ORD-12-0005, § 2, 2012; Ord. C-7946 § 4, 2004)

16.16.020 - Picnic permits.

No event, picnic, celebration, parade, ceremony, service, or exercise involving more than twenty-five (25) persons may be conducted or held in or upon any public park, public building or place under the jurisdiction of the Recreation Commission without first obtaining a permit to do so from the Recreation Department or upon the granted tide and submerged lands without first obtaining a permit to do so from the Manager of the Marine Bureau.

(Ord. C-5956 § 32, 1983; Ord. C-5624 § 1 (part), 1980; prior code § 7300.1)

16.16.030 - Climbing over bluff or cliff.

No person shall climb over, upon, across, up or down any bluff or cliff bordering the Pacific Ocean in the City at any place other than a stairway or passageway maintained for the purpose of reaching the beach or ocean; provided, however, that this Section shall have no application to the owner, his agent, or licensee of property abutting upon the shore of the Pacific Ocean upon which there is any bluff or cliff.

(Ord. C-5624 § 1 (part), 1980; prior code § 7300.2)

16.16.040 - Sand removal.

No person shall remove and transport any sand from a public beach or other public place.

(Ord. C-5624 § 1 (part), 1980; prior code § 7300.3)

16.16.050 - Nudity.

No person shall appear, bathe, sunbathe, walk, or be in any public park, playground, beach, or the waters adjacent thereto in such a manner that the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or is not covered by an opaque covering. This Section shall not apply to children under the age of ten (10) years.

(Ord. C-5624 § 1 (part), 1980: prior code § 7300.4)

16.16.060 - Sale or solicitation permit.

- A. No person shall offer, provide, sell, rent or solicit for sale or rent any goods, equipment, merchandise, food, beverage, service or instruction on, at or from any public beach, marina, park, street or within any public place, facility, building or structure situated upon the tide and submerged lands granted to the City by the State pursuant to Chapter 676, Statutes Of 1911, Chapter 102, Statutes Of 1925, Chapter 158, Statutes of 1935, as interpreted by Chapter 29, Statutes of 1956, first extraordinary session, and Chapter 138, Statutes of 1964, first extraordinary session, or situated at or adjacent to Colorado Lagoon, Marine Stadium East and Marine Stadium West without first obtaining a permit to do so from the Manager of the Marine Bureau.
- B. No person shall offer, provide, sell, rent or solicit for sale or rent any goods, equipment, merchandise, food, beverage, service or instruction in, at or from any public park or place under the jurisdiction of the Recreation Commission or on either side of streets contiguous therewith without first obtaining a permit to do so from the Director of the Department of Parks and Recreation.

(Ord. C-6118 § 1, 1984: Ord. C-5956 § 33, 1983: Ord. C-5624 § 1 (part), 1980: prior code § 7300.5)

16.16.070 - Hang gliding.

No person shall launch or operate manned gliders, including, but not limited to, those now commonly referred to as "hang gliders", from the top or face of any bluff or cliff bordering the Pacific Ocean in the City, without first obtaining a permit from the Manager of the Marine Bureau designating the time, the place, the operator and such conditions as may be required to assure public safety. The Manager of the Marine Bureau may refuse to issue any such permit if in his opinion to do so would cause undue danger or inconvenience to persons using the public beach or other property, or would require an undue expenditure of public funds to protect users of the public beach or other property.

(Ord. C-5956 § 34, 1983: Ord. C-5624 § 1 (part), 1980: prior code § 7300.6)

16.16.080 - Park rangers.

- A. Those employees of the City holding the classified position of Park Ranger and regularly employed as such and having the primary duty of protection of park property and preservation of peace therein are designated as peace officers for purposes of Section 12031 of the Penal Code while engaged in the performance of the official duties of the classified position of Park Ranger.
- B. Nothing in this Section is intended to or shall operate to change or shall have the effect of changing the status of employees of the City holding the classified position of Park Ranger from public or miscellaneous officers or employees to individual peace officers or safety members or classes of peace officers or safety members for purposes of retirement, workers' compensation or similar injury or death benefits or any other employee benefit or benefits to which the employees would not have been entitled as a public employee prior to the adoption of this Section.

(Ord. C-5499 § 1, 1979: Ord. C-5244 § 1, 1976: prior code § 7510.12)

16.16.090 - Glass on beaches and bicycle paths.

No person shall possess any glass container, cup, jar, bottle or any other similar glassware on a public beach or bicycle path.

(Ord. C-7043 § 5 (part), 1992; Ord. C-5898 § 1, 1982)

16.16.100 - Prohibition against overnight parking in Shoreline Park.

Except as provided in Chapter 16.54, no person shall park any vehicle, bus, camper, house car, trailer coach or any other vehicle adopted for human habitation or occupancy in Shoreline Park between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) a.m. The City Manager shall place and maintain or cause to be placed and maintained signs giving notice of the parking restrictions provided for in this Section.

(Ord. C-6001 § 2, 1983)

16.16.110 - Restrictions on use of park above main library.

The park and grounds above the main library shall be closed for public use between the hours of six o'clock (6:00) p.m. and six o'clock (6:00) a.m.

Except for authorized public employees, no person shall use, occupy or enter the park and grounds above the main library between the hours of six o'clock (6:00) p.m. and six o'clock (6:00) a.m.

The City shall place and maintain appropriate signs giving notice of this restricted public use of this park.

A violation of this Section shall be an infraction subject to a maximum fine of one hundred fifty dollars (\$150.00) for the first offense and two hundred dollars (\$200.00) for the second offense. A third violation within any twelve (12) month period shall be deemed a misdemeanor.

(Ord. C-6396 § 1, 1987)

16.16.120 - El Dorado Park West—Acts prohibited.

- A. No person shall fish or bring to or have possession of any fishing equipment at the lake off Studebaker Road in El Dorado Park West. "Fishing equipment" includes hook, line, sinker, fishing rod, net, or any other equipment or item used to catch fish. Fishing equipment brought to or possessed at the lake in El Dorado Park West may be confiscated by a peace officer or Park Ranger.

The City Manager or his designee is authorized to place and maintain signs giving notice hereof.

- B. A violation of this Section shall be an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or more violations of this Section within a twelve (12) month period may be charged as a misdemeanor.

(Ord. C-6707 § 1, 1990)

16.16.130 - Biological reserve—Acts prohibited.

No person, except employees of the City in the performance of their duties, shall do any of the following acts in any biological reserve located within the City of Long Beach:

- A.

Cut, break, injure, deface, remove or disturb any plant, or capture, trap, injure, remove or kill any animal, provided, however that: (1) with the permission of the City's Director of Parks, Recreation and Marine, volunteers may engage in maintenance and study activities consistent with the protection and propagation of native species of plants and animals in self-sustaining habitats, with the education of the public about native plants, animals and their habitats, and with the appreciation and viewing of native plants, animals and their habitats; and (2) with a permit from the City's office of special events, filmmakers may use a portion of a biological reserve for filming as long as they do not disturb plants or wildlife.

- B. Swim, bathe or wade, or sail, paddle, or row any boat, canoe, raft, paddleboard, bellyboard, surfboard, or inflatable or rigid watercraft, or fish, spear, or net any sea creature, or operate a model boat in water areas, except that these activities may be performed under the supervision of an employee of the Department of Parks, Recreation and Marine.
- C. Plant, water, or nourish any plant, or release any animal, or feed or provide water for any animal except with the permission of the Director of Parks, Recreation and Marine.
- D. Lead, walk, or turn loose any animal. This Subsection shall not apply to dogs when led by a leash no more than eight feet (8') long if there is a sign posted that permits this activity.
- E. Make or kindle any fire except under the supervision of the Fire Department.
- F. Walk off established trails.
- G. Ride or drive a bicycle, skateboard, roller skates, in-line skates, scooters, razors, or any other wheeled vehicles, motorized or nonmotorized, on or off trails, unless there is a sign posted to allow such activities.
- H. Enter, except during the hours posted for public access.
- I. Camp or engage in any activity prohibited in Section 16.16.010

(Ord. C-7879 § 1, 2003)

CHAPTER 16.20 - EL DORADO PARK EAST

16.20.010 - Definitions.

The words set forth in this Section shall have the following meaning when used in this Chapter:

- A. "El Dorado Park East" means that area of the City bounded on the north by commonly shared boundaries of the Community Gardens, Police Pistol Range and Navy Hospital, on the east by the San Gabriel (605) Freeway, on the south by the confluence of the San Gabriel River and Coyote Creek, and on the west by the San Gabriel River Control Channel.
- B. The terms "motorized bicycle" and "motor vehicle" have the same meaning as the definitions therefor set forth in Vehicle Code Sections 406 and 415, respectively.

(Ord. C-5475 § 1 (part), 1979; prior code § 7320)

16.20.020 - Entry fee authorized.

The Recreation Commission is authorized to establish a fee or fees for each motor vehicle and motorized bicycle entering El Dorado Park East. The Commission shall establish the fee or fees at such amount or amounts as will enable the City to recover its costs of operation, maintenance, management, supervision, development and promotion of use by the public of El Dorado Park East.

(Ord. C-5475 § 1 (part), 1979; prior code § 7320.1)

16.20.030 - Payment of fee required.

No person shall drive a motor vehicle or motorized bicycle into, or otherwise cause a motor vehicle or motorized bicycle to enter, El Dorado Park East without payment of the entry fee therefor established by the Recreation Commission.

(Ord. C-5475 § 1 (part), 1979; prior code § 7320.2)

16.20.040 - Exemptions.

The following motor vehicles and motorized bicycles, and the operators thereof, shall be exempt from the provisions of this Chapter:

- A. Such vehicles owned by the United States, by the State or by any political subdivision thereof, or by any municipality duly organized under the Constitution or laws of the State;
- B. Such vehicles owned by a public utility while used in the conduct of its business;
- C. Such vehicles used in conjunction with the supervision, management, promotion, or conduct of public recreation activities of the City, provided the operator thereof is in possession of and displays a vehicle entry pass issued by the Director of Recreation or his authorized representative.

(Ord. C-5475 § 1 (part), 1979; prior code § 7320.3)

16.20.050 - Special regulations—Prohibition against parking except in designated areas.

No person shall park, stand or stop any vehicle upon any road in El Dorado Park East except within parking spaces designated by lines or marks on the curbs or pavement. The Department of Parks and Recreation shall place and maintain, or cause to be placed and maintained, signs and markings giving notice of the parking restrictions provided for in this Section.

(Ord. C-6350 § 1 (part), 1987)

16.20.060 - Special regulations—Prohibition against vehicles of excessive length.

- A. Unless directed by an authorized City employee, no person shall park, stand, or stop any bus, recreational vehicle or any other vehicle of excessive length within El Dorado Park East in such a manner as to occupy more than one (1) parking space or as to constitute an obstruction of the traffic lanes. For the purpose of this Section the definition of a "bus" shall be that set forth in California Vehicle Code Section 223.
- B. All vehicles of such excessive length shall park in the areas designated for such vehicles within El Dorado Park East so as not to constitute an obstruction of the traffic lanes. The Department of Parks and Recreation shall place and maintain, or cause to be placed and maintained, signs giving notice of the parking restrictions provided for in this Section.

(Ord. C-6350 § 1 (part), 1987)

16.20.070 - Special regulations—Prohibitions against parking on grass areas.

No person shall drive, park, stand or stop any vehicle upon any grass area in El Dorado Park East unless directed to do so by an authorized City employee or in a designated area. The Department of Parks and Recreation shall place and maintain, or cause to be placed and maintained, signs giving notice of any grass area where parking is permitted.

(Ord. C-6350 § 1 (part), 1987)

16.20.080 - Special regulations—One-way streets.

- A. No person shall drive or operate any vehicles on the streets of El Dorado Park East in a direction other than designated for one-way traffic. The Department of Parks and Recreation shall place and maintain, or cause to be placed or maintained, signs giving notice of the parking restrictions provided for in this Section and giving notice of the appropriate one-way traffic direction.
- B. Certain areas of El Dorado Park East shall be designated for two-way traffic flow as an exception to Subsection 16.20.080.A. Signs indicating the direction of lawful traffic movement in these areas shall be placed by the Department of Parks, Recreation and Marine as follows:
 - 1. From the Nature Center parking lot to the intersection north of the Spring Street tunnel;
 - 2. From the intersection south of the Wardlow tunnel to the intersection north of the same;
 - 3. From the intersection north of Fire Station Five north to the ranger station;
 - 4. From the intersection north of the fire station to a point three hundred feet (300') north of the intersection north of Wardlow tunnel;
 - 5. From the intersection south of the Wardlow tunnel to the intersection north of the westbound Spring Street ingress/egress to the park;
 - 6. From a point three hundred feet (300') north of the intersection north of the Wardlow tunnel to the north boundary of El Dorado Park East;
 - 7. From the intersection south of Wardlow tunnel to the intersection of the eastbound entrance/exit of El Dorado Park East south of Wardlow Road.

(Ord. C-7515 § 1, 1997; Ord. C-7178 § 3, 1994; Ord. C-6350 § 1 (part), 1987)

16.20.090 - Penalty.

Violation of or failure to comply with any special regulations in this Chapter constitutes an infraction as provided in Section 40000.1 of the Vehicle Code and penalties for such infractions shall be as set forth in Article I, Chapter I, Division 18 of the Vehicle Code.

(Ord. C-6350 § 1 (part), 1987)

CHAPTER 16.22 - EL DORADO EAST NATURE CENTER

16.22.010 - Fishing prohibited.

No person shall fish or bring onto or have possession of any fishing equipment on the grounds of the El Dorado East Nature Center. "Fishing equipment" includes hook, line, sinker, fishing rod, net or any other equipment used to catch fish. Fishing equipment illegally brought onto the grounds of El Dorado East Nature Center may be confiscated by an authorized Police Officer or Park Ranger.

The City Manager is authorized to place and maintain signs giving notice of the contents of this Chapter.

(Ord. C-6557 § 1 (part), 1989)

16.22.020 - Penalty.

A violation of this Chapter shall be an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for a second offense within a twelve (12) month period. Three (3) or more violations of this Chapter within a twelve (12) month period may be charged as a misdemeanor.

(Ord. C-6557 § 1 (part), 1989)

CHAPTER 16.24 - PARK CLUBHOUSE

16.24.010 - Definitions.

- A. "Permit" means the written, typewritten or printed permission issued to a permittee in accordance with the provisions of this Chapter.
- B. "Permittee" means the person who is granted a permit in accordance with the provisions of this Chapter.
- C. "Recreation Park Clubhouse" means the clubhouse located in Recreation Park at 5000 East Anaheim Street.

(Prior code § 7490.5)

16.24.020 - Supervision.

The Director of Parks, subject to the direction and control of the City Manager, is vested with the authority, and it shall be his duty, to supervise and manage the Recreation Park Clubhouse, and to issue permits for the use thereof, in accordance with the subject to the terms, conditions, limitations and restrictions contained in this Chapter.

(Prior code § 7490.10)

16.24.030 - Permit—Required.

No person shall use the social hall of the Recreation Park Clubhouse without first having obtained a permit in writing to do so from the Director of Parks. The permit shall be issued on a printed form supplied by the Director of Parks and shall contain the information necessary to determine the facilities, arrangements and special services necessary for any event scheduled at the clubhouse. The permit shall be signed by the Director of Parks and the permittee.

(Prior code § 7490.15)

16.24.040 - Services performed by City.

No service shall be furnished to permittee other than the normal facilities available at the clubhouse. Such facilities shall include lights, public address system and janitor service, including setting up and removing City-owned tables and chairs.

(Prior code § 7490.20)

16.24.050 - Permit—Fee—Designated.

Permits for the use of clubhouse facilities, except when issued without charge as elsewhere provided for in this Chapter, shall be issued only upon payment of a fee or fees as determined by the City Council by resolution.

(ORD-10-0014, § 22, 2010; Prior code § 7490.25)

16.24.060 - Afternoon and evening periods designated.

The words "afternoon" and "evening" shall be deemed to apply, respectively, to periods of occupancy between the hours of twelve o'clock (12:00 p.m.) noon to six o'clock (6:00) p.m. and six o'clock (6:00) p.m. to midnight.

(Prior code § 7490.30)

16.24.070 - Permit—Fee—Exemption.

The Director of Parks, with the approval of the City Manager, may issue a permit for the use of Recreation Park Clubhouse, or any part thereof, without charge to any reputable person or organization when the use does not conflict with other reservations for which a rental is paid, and when, in the opinion of the Director of Parks, the proposed use is purely patriotic or civic in nature or to meet some public necessity. The permit shall be subject to the following terms and conditions:

- A. The function must be of City-wide interest in scope and shall not be for the purpose of furthering the interests of any individual, organization or group;
- B. No admission charge or collection shall be made.

(Prior code § 7490.35)

16.24.080 - Permit—Cancellation.

The permittee may request the cancellation of the permit at any time prior to the reserved date. The Director of Parks may cancel the permit for any cause beyond the control of either party thereto. If the permit is canceled by permittee at least twenty-four (24) hours prior to the reserved date, or if the permit is canceled by the Director of Parks, the permittee shall be entitled to a refund of the rental paid.

(Prior code § 7490.40)

16.24.090 - Use regulations.

- A. The permittee shall comply with all rules and regulations for the use of the Recreation Park Clubhouse as adopted and issued from time to time by the City Manager or the Director of Parks and shall comply with all laws and ordinances affecting the use and occupancy of the clubhouse.
- B. No oral agreement for the use of the Recreation Park Clubhouse, or any part or facility thereof, shall be binding upon the City. The permit, when issued and accepted, shall constitute the contract between the City and the permittee.
- C. By the acceptance of a permit, as provided in this Chapter, permittee thereby covenants and agrees to save and keep the City, its officers and employees, free and harmless from any and all liability for loss, injury or damage to any person, persons or property, including damages to the property of the City, which may be sustained or suffered by or imposed upon the City, its officers or employees by reason of the use and occupancy of the Recreation Park Clubhouse by the permittee or by any person or persons participating in or attending the function for which the permit is issued.
- D. Permittee shall promptly pay any and all federal, State, County and City taxes which may be imposed upon the permittee by reason of the use and occupancy of the Recreation Park Clubhouse.

(Prior code § 7490.45)

CHAPTER 16.28 - MUNICIPAL GOLF COURSES

16.28.010 - Definitions.

"Municipal golf courses", when used in this Chapter, means the golf courses in Recreation Park, at Skylinks, in El Dorado Park and such other golf courses which may be operated by the City.

(Prior code § 7480)

16.28.020 - Fees.

The fees for use of the municipal golf courses shall be established by resolution of the City Council.

(Ord. C-5677 § 1, 1980: Ord. C-5602 § 1, 1980: Ord. C-5515 § 1979: Ord. C-5400 § 1, 1978: Ord. C-5314 § 1, 1977: prior code § 7480.1)

16.28.030 - Fee exemptions authorized.

- A. Notwithstanding any provision contained in this Chapter, the City Manager shall have the authority to issue annual passes waiving the payment of fees set forth in this Chapter as he may deem proper or appropriate.
- B. The City Manager shall have the authority to exempt from the greens fees set forth in this Chapter, tournament participants in City-sponsored golf tournaments, official golf teams from schools of the Long Beach Unified School District, members in good standing of the Professional Golfers Association and their spouses, and others, when in his discretion such exemption is in the best interest of the successful operation of the municipal golf courses, the promotion of golf as a sport, and/or in accordance with commonly accepted policy and tradition on other publicly-owned golf courses.

(Prior code § 7480.2)

16.28.040 - Rules authority.

The City Manager shall have the authority to regulate the hours the municipal golf courses are open for play, to establish golf course rules and regulations, to refuse the right to play or to make reservations for play to any individual or individuals for misconduct, and to approve any golf tournaments or special events proposed to be held on the municipal golf courses.

(Prior code § 7480.3)

16.28.050 - Rules compliance required.

It is unlawful for any person to commence or engage in the play of golf in or upon any of the municipal golf courses without first having paid the fees prescribed in this Chapter or unless a valid pass has first been obtained and in the immediate possession of the person to whom issued, or to fail to comply with any of the rules and regulations pertaining to the use of the golf courses and to those portions of municipal clubhouses used in connection with golf activities.

(Prior code § 7480.4)

16.28.060 - Reservations—Registration card.

Reservations for golf course starting times shall be made in accordance with the following procedures:

- A. Golfers must be registered with the Park Department in order to make reservations by telephone for a starting time on a day other than the day of play.
- B. A numbered registration card will be issued to any person upon completion of application and payment of a ten dollar (\$10.00) registration fee.
- C. Applications for registration cards may be obtained at all golf courses, or may be secured by writing to the Long Beach Park Department, 2760 Studebaker Road, Long Beach, California 90815.
- D. Registration cards for golf course reservations are valid for three (3) years from the date of issuance.

(Ord. C-5443 § 1, 1978; prior code § 7480.6)

16.28.070 - Reservations—Procedure.

Reservations at municipal golf courses may be made in accordance with the following procedures:

- A. Reservations on the day of play may be made in person or by telephoning the golf course starter.
- B. Advance reservations prior to the day of play may be made only by telephoning the golf central reservations office located at 2760 Studebaker Road, Long Beach, California 90815. Advance reservations shall be made in accordance with rules and regulations established from time to time by the City Manager.

(Prior code § 7480.7)

16.28.080 - Reservations—Reassignment.

Golfers from the standby list will be assigned a previously reserved starting time unless the person who made the reservation complies with the following at least fifteen (15) minutes before the reserved starting time:

- A. Pay all green fees for entire party.
- B. Present to starter registration card and acceptable identification.
- C. Give to starter names and green fee receipts for entire party.

(Prior code § 7480.8)

16.28.090 - Golf Starter Ranger authority.

- A. Those employees of the City holding the classified positions of Golf Starter Ranger I and Golf Starter Ranger II shall have the duty of enforcing Section 16.28.050 and are authorized, pursuant to Penal Code Section 836.5, to arrest persons and to prepare, issue and deliver to any such arrested person written notice to appear in court and to release such person from custody upon receiving from him his written promise to appear in court for any violation of Section 16.28.050
- B. Nothing in this Section is intended, or shall operate, or be construed, to change or have the effect of changing the status of any of the Starter Rangers from a miscellaneous officer or employee to that of a peace officer or safety member within the meaning of any statute, ordinance, resolution, rule or regulation or to entitle any of the Golf Starter Rangers to any employee benefit or benefits to which the Golf Starter Ranger would not have been entitled prior to the adoption of this Section.

(Ord. C-5308 § 1, 1977; prior code § 7480.9)

CHAPTER 16.32 - LONG BEACH CONVENTION CENTER

16.32.010 - Purpose.

The purpose of this Chapter is to set forth provisions of general applicability pertaining to the use and occupancy of the Long Beach Convention Center which is held, administered and operated by the City as a tideland asset in accordance with the tideland trust established and created and defined by the legislative grants from the State in Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925 and Chapter 158, Statutes of 1935 and the provisions of Chapter 29, Statutes of 1956, First Extraordinary Session, Chapter 138, Statutes of 1964, First Extraordinary Session.

(Ord. C-5316 § 1 (part), 1977: prior code § 7410)

16.32.020 - Definitions.

As used in this Chapter:

- A. "City Manager" is the City Manager of the City of Long Beach.
- B. "Concession" is the privilege to enter upon and use the Long Beach Convention Center, or any part thereof or facility contained therein, for the purpose of providing food, beverages, goods or services, with or without charge, to patrons, customers or invitees at the Long Beach Convention Center. The term "concession" shall not include the sale of merchandise or products from a display or exhibit which has been otherwise authorized by the Manager.
- C. "Long Beach Convention Center" is the complex of buildings and structures consisting of an arena, theaters, exhibit hall, meeting rooms, parking structure, parking lots or any other area building, structure or facility on or adjacent to the site bounded by Shoreline Drive on the south and east, Ocean Boulevard on the north and the southerly prolongation of Pine Avenue on the west except for such portions of the site as are now or hereafter may be leased to others by the City.
- D. "Manager" includes and means the employee of the City of Long Beach or the person, firm, or entity acting under a contract with the City of Long Beach designated to manage and operate the center.
- E. "Permit" is the written permission to use or operate a business at, on or adjacent to the Long Beach Convention Center or any portion thereof issued by the Manager pursuant to this Chapter. The term "permittee" includes any individual, partnership, corporation or association to whom such a permit is issued upon written application therefor.
- F. "Person" includes any individual, partnership, corporation or association.

(Ord. C-5896 § 1, 1982; Ord. C-5316 § 1 (part), 1977: prior code § 7410.1)

16.32.030 - Manager's duties.

The Manager shall supervise, manage and administer the operations of the Center and issue all permits for the use and occupancy thereof.

(Ord. C-5896 § 2, 1982; Ord. C-5316 § 1 (part), 1977: prior code § 7410.2)

16.32.040 - Permit—Required.

No person shall use, occupy, operate any concession, or engage in any business activity in, upon or adjacent to the Center without first having obtained a permit therefor from the Manager.

(Ord. C-5896 § 3, 1982: Ord. C-5316 § 1 (part), 1977: prior code § 7410.3)

16.32.050 - Permit—Application.

Any person desiring to use, occupy or engage in any business activity in, on or adjacent to the Long Beach Convention Center or any portion thereof may be required to complete and file with the Manager an application prior to the issuance of any permit therefor. The application shall contain such information as the Manager may deem necessary to determine the financial responsibility of the applicant, the facilities, special requirements and arrangements required for staging and management of any event.

(Ord. C-5316 § 1 part), 1977: prior code § 7410.4)

16.32.060 - Rules and regulations.

The City Manager, with the approval of the City Council, shall adopt, amend or repeal administrative rules and regulations governing the use and occupancy of the Center. In the event the Manager is a person, firm, or entity acting under contract with the City of Long Beach, the City Manager, with the approval of the City Council, shall include in any such contract such provisions and limitations as may be reasonably required. Any administrative rules and regulations in force as of the commencement date of a management contract for the operation of the Center shall be suspended during the term of any such contract. Upon the termination of any such management contract, the suspended administrative rules and regulations shall be automatically reinstated.

(Ord. C-5896 § 4, 1982: Ord. C-5316 § 1 (part), 1977: prior code § 7410.5)

CHAPTER 16.36 - VETERANS' MEMORIAL BUILDING

16.36.010 - Definitions.

- A. "Veterans' association" means any association or organization composed solely of persons who served honorably in time of war as members of the United States Army, Coast Guard, Navy, Marine Corps or Air Force, or who then being citizens of the United States served honorably in time of war as members of the Armed Forces of any nation whose government was allied with the United States during such war, and which are organized for patriotic, fraternal and benevolent objects.
- B. "Auxiliary organizations," within the meaning of this Chapter shall be organizations wherein the membership consists solely of mothers, wives, or direct descendents of veterans as defined in this Section.
- C. "Affiliated organizations," within the meaning of this Chapter, includes such organizations as bands, drum corps, drill teams or committees composed primarily of members of veterans' or auxiliary organizations.
- D. "Allied veterans' organization" means those whose membership consists of veterans of allies of the United States in any of its wars, or consists of the mothers, wives, daughters or sons of such allied veterans.
- E. "Nonveteran organizations" means all groups of individuals of any nature not specifically mentioned above.
- F. The use of each of the halls or offices includes the use of hallways, corridors, stairways for ingress and egress, and necessary adjacent quarters. For the purpose of this Chapter the various units in the Veterans' Memorial Building shall be identified as follows:

Lodge Hall No. 1, west room, first floor

Lodge Hall No. 2, west room, second floor

Lodge Hall No. 3, west room, third floor

Lodge Hall No. 4, east room, third floor

Auditorium

Banquet Hall

Offices:

First Floor

No. 101, southwest corner

No. 102, southeast corner ;b20; No. 103, east side

Second Floor

No. 201, southwest corner

No. 202, southeast corner

No. 203, west side

Third Floor

No. 301, southwest corner

No. 302, southeast corner

No. 303, west side

No. 304, east side

Basement

No. B-1, southwest corner

No. B-2, southeast corner

G. "Manager," as used in this Chapter, means the Manager of the Veterans' Memorial Building.

(Prior code § 7470)

16.36.020 - Advisory Commission.

The United Veterans' Council Building Commission, as defined in the constitution of the Long Beach United Veterans' Council, may act in an advisory capacity in the determination of policies with respect to the uses and occupancy of the building and the conditions under which occupancy shall be obtained, and may transmit its recommendations to the City Manager.

(Prior code § 7471)

16.36.030 - Use regulations.

- A. No organization may use the Veterans' Memorial Building without first having submitted an application, in writing, to the Manager. The application shall be filed on a form prescribed and provided for such purpose by the Manager. The Manager, at his discretion, may require organizations using the building to submit, at the time and in the form prescribed, a schedule of proposed occupancy and activities, setting forth all information necessary to determine the facilities and services required. Upon approval of the application by the City Manager, use of the building may be granted in conformity with these regulations. Such approval shall be applied for and renewed annually prior to July 1st of each year.
- B. Except for special meetings scheduled at other hours or times, the building shall be opened at eight o'clock (8:00) a.m., daily, except Saturdays, Sundays and holidays, and shall be closed at twelve (12:00 a.m.) midnight. In the event that no meetings are conducted at night, the Manager is authorized to close the building. The building may be opened for other purposes at such times as the City Manager may direct.
- C. In each of the units mentioned in Subsection 16.36.010.F, excepting the offices, an occupancy shall be considered the period between nine o'clock (9:00) a.m. and eleven thirty o'clock (11:30) a.m. or between one o'clock (1:00) p.m. and four o'clock (4:00) p.m. or between seven o'clock (7:00) p.m. and eleven-thirty o'clock (11:30) p.m. When quarters are assigned under application for use of the facilities of the building, the occupancy shall be designated as morning, afternoon or evening.

(Prior code § 7472)

16.36.040 - Rental fees.

Every organization, auxiliary or affiliate shall, for the use of the Veterans' Memorial Building or services, pay a rental fee to the City as determined by the City Council by resolution.

(ORD-10-0014, § 23, 2010; Prior code § 7473)

16.36.050 - Exemption from charges.

The City Manager may permit the use, without charge or with such charges as he deems advisable, of portions of the Veterans' Memorial Building by such nonveteran groups, associations, agencies or corporations as he determines advance the general public interest and welfare by their activities, subject to the following conditions:

- A. Such use shall always be subordinate to the use of the building by veteran organizations and their auxiliaries;
- B. Free use of any portion of the building shall not be permitted to any organization that charges an admission fee in connection with the use or which obtains any revenue from the use not immediately and solely devoted to the advancement of the general public interest and welfare;
- C. Before the City Manager may permit any use of any portion of the building pursuant to this Section, he shall submit the matter of the application therefor to the United Veterans' Council Building Commission, which shall act in an advisory capacity thereon. The decision of the City Manager on the granting or withholding of such permission shall, however, be final and conclusive.

(Prior code § 7474)

CHAPTER 16.40 - MUNICIPAL MARKET

FOOTNOTE(S):

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Cross reference— For provisions on the Director of Public Service, see the City Charter.

16.40.010 - Definitions.

- A. "Municipal market" means and includes a market for the sale of the commodities mentioned in this Chapter and such other commodities as may hereafter be permitted to be sold at the municipal market established and maintained for the public convenience. This municipal market shall be located along the east side of Cedar Avenue starting at a point sixteen feet (16') north of Ocean Boulevard, thence northerly two hundred sixty-two feet (262') to the southerly edge of the library service driveway, except for an intervening nineteen (19) foot crosswalk; or at such other locations as may be designated by the City Manager and subject to the approval of the City Council.
- B. "Vendor" means and includes persons, helpers, officers, agents and employees doing business, or offering to do business at the municipal market.

(Prior code § 7450)

16.40.020 - Hours.

The municipal market shall be open for business from seven o'clock (7:00) a.m., to twelve o'clock (12:00) p.m. on every Tuesday, Thursday and Saturday; provided, that if any of the days is a holiday, the municipal market may, upon order of the Director of Public Service, be open for business on the preceding day; and provided further, that the municipal market shall not be open for business on Sunday, on the first day of January, the thirtieth of May, the fourth day of July, the first Monday in September, the last Thursday in November if the last Thursday in November is designated by proclamation by the President of the United States, if not so designated then any day so designated, or the twenty-fifth of December. In the event a parade or similar civic event is to be held in the vicinity of the municipal market on a day when it would usually be open for business, the Director of Public Service may, if he determines that the public safety and welfare so require, direct that the municipal market be closed for business on such day. The Director of Public Service shall, if practicable, give notice for one (1) week prior to the closing by posting a conspicuous notice therefor at the municipal market. If the market is closed for business for the day upon which a parade or similar civic event is held, the Director of Public Service may permit it to be opened for business for one (1) day on any preceding or succeeding Monday, Wednesday or Friday which is not a holiday.

(Prior code § 7450.1)

16.40.030 - Director of Public Service duties.

The Director of Public Service shall have supervision and control of the municipal market and shall receive applications, issue and revoke permits, collect revenues and perform such other duties as may be required by ordinance or resolution.

(Prior code § 7450.2)

16.40.040 - Spaces—Establishment.

The Director of Public Service shall divide the territory covered by the municipal market along the curblines into spaces six feet (6') in width and shall mark and number the spaces consecutively. The spaces shall extend from the curbline of Chestnut Avenue easterly twenty feet (20').

(Prior code § 7450.3)

16.40.050 - Spaces—Use required.

No person, as principal, agent, employee or otherwise, conducting business at the municipal market shall place any goods, any stand, table or other equipment, or any automobile or other vehicle or any part of any thereof, outside of the space allotted for the business.

(Prior code § 7450.4)

16.40.060 - Spaces—Allotment.

The Director of Public Service shall allot spaces or portions of spaces to vendors holding permits as provided for in this Chapter, and no vendor shall occupy more than one (1) space nor more than one (1) location, nor any space or location not previously allotted to the vendor by the Director of Public Service.

(Prior code § 7450.5)

16.40.070 - Spaces—Forfeiture.

If any space is not occupied by the vendor to whom it has been allotted by eight a.m., on any market day, the vendor shall forfeit the right to use the space for the market day, and the same may thereafter be allotted to any other vendor for the market day; and the price paid by the forfeiting vendor shall be forfeited to the City.

(Prior code § 7450.6)

16.40.080 - Number of helpers.

Each vendor shall not have more than one (1) helper at the municipal market.

(Prior code § 7450.7)

16.40.090 - Sale to other vendors prohibited.

Vendors shall not sell or distribute any commodity to any other vendor at the municipal market.

(Prior code § 7450.8)

16.40.100 - Sanitation.

No vendor shall sell or offer for sale at the municipal market any commodity which is not wholesome, clean and sanitary.

(Prior code § 7450.9)

16.40.110 - Scales and measures.

Vendors shall not use scales, weights or measures which do not accurately conform to the standard of weights and measures of the State.

(Prior code § 7450.10)

16.40.120 - Protection from contamination.

Vendors shall keep all cooked food, game, relishes and dairy products in enclosed receptacles with solid coverings sufficient to effectively protect the contents thereof from dust, dirt and other foreign matter.

(Prior code § 7450.11)

16.40.130 - Height above street.

All commodities sold or offered for sale at the municipal market shall be kept not less than eighteen inches (18") above the surface of the street.

(Prior code § 7450.12)

16.40.140 - Distributing advertising or handbills.

No person, as principal, agent, employee or otherwise, shall distribute handbills, advertising matter, or literature of any kind at the municipal market.

(Prior code § 7450.13)

16.40.150 - Fixing prices.

No person, as principal, agent, employee or otherwise, shall combine with any other person to fix or regulate the price of any commodity or commodities at the municipal market.

(Prior code § 7450.14)

16.40.160 - Price signs.

Each vendor shall conspicuously display a readily legible sign, card or tag immediately adjacent to each classification or grade of commodity sold or offered for sale by him indicating the price of the commodity.

(Prior code § 7450.15)

16.40.170 - Restocking.

Vendors shall not acquire new stock or replenish their stock of commodities at the municipal market nor on any streets along which the municipal market is or may be located after eight-thirty a.m. of any market day.

(Prior code § 7450.16)

16.40.180 - Hawking prohibited.

Vendors shall conduct their business at the municipal market in an orderly and quiet manner and shall not solicit trade in an offensive manner nor by hawking or "spieling" in a loud voice.

(Prior code § 7450.17)

16.40.190 - Sanitation and cleanup.

Each vendor to whom space is allotted shall keep the space clean and sanitary; shall provide a receptacle sufficient to securely hold all of the rubbish and refuse of the vendor and shall place all such rubbish and refuse in the receptacle; and shall within fifteen (15) minutes after the close of the municipal market, or after vacating the space, remove the receptacle and all rubbish, refuse, goods, commodities and all other articles placed there by such vendor or that may have accumulated upon the space during the conduct of the municipal market.

(Prior code § 7450.18)

16.40.200 - Sales after hours prohibited.

No vendor shall sell or offer for sale any commodity at the municipal market after the time fixed for the closing of the business of the municipal market in this Chapter.

(Prior code § 7450.19)

16.40.210 - Commodities authorized for sale.

The following named commodities, and no others, unless specifically authorized by the Council, shall be sold or offered for sale at the municipal market:

- A. Vegetables, fruit, nuts, eggs, poultry, game, dairy products, jams, jellies, preserves, honey, relishes;
- B. Cooked foods, bread and pastry;
- C. Items of foods sold to the public at lunchstands;
- D. Ice cream, milk, cider, similar refreshments, articles of handicraft (home products).

(Prior code § 7450.20)

16.40.220 - License tax payment required.

Every person selling or offering for sale any commodity at the municipal market shall pay to the City the license taxes or fees prescribed therefor by the licensing provisions of this Code.

(Prior code 7450.21)

16.40.230 - Sale of unauthorized commodities prohibited.

No person, as principal, agent, employee or otherwise, shall at the municipal market sell or offer for sale or solicit orders for the sale of any commodity not authorized in this Chapter to be sold at the municipal market.

(Prior code § 7450.22)

16.40.240 - Permit—Required.

No person, as principal, agent, employee or otherwise, shall occupy or attempt to occupy any space or carry on or attempt to carry on any business at the municipal market without having first obtained a permit so to do in the manner provided in this Chapter, and no person, as principal, agent, employee or otherwise, shall cry or vend newspapers, periodicals or any other publications upon or along any portions of streets used for the conduct of the municipal market except at stands therein for which the vendors hold permits, or upon or along any portion of any street or sidewalk immediately adjacent thereto during the time the municipal market is being conducted.

(Prior code § 7450.23)

16.40.250 - Permit—Issuance.

Permits for conducting business at the municipal market shall be granted by the Director of Public Service upon application therefor by any person desiring to conduct business at the Municipal Market; such application shall be made in writing and shall state the name and address of the applicant, a statement of the kind or kinds of commodities desired to be sold at the Municipal Market, a statement of the place, giving street number or other address, where the commodity is produced, manufactured or

purchased, and a statement of the time when the applicant desires to use the permit; every such application shall be accompanied with sufficient money to pay the market fees for the time requested in the application; if the application is in accordance with the provisions of this Chapter and the business proposed to be conducted at the Municipal Market is authorized by this Chapter, the Director of Public Service shall issue a permit to the applicant; provided, however, that the Director of Public Service may revoke and cancel any permit to do business at the Municipal Market upon the violation of the provisions of this Chapter by the holder of any permit, or for any misrepresentation in the application of Chapter vendor for permit, or upon a permittee's conviction of any misdemeanor arising out of or incident to the carrying on of the permittee's business at the Municipal Market, or for any misrepresentation of goods or commodities sold or displayed by the permittee, and notice of the revocation and cancellation shall be given verbally or in writing to the vendor and after such notice is given it is unlawful for the person whose permit has been revoked or cancelled to carry on or offer to carry on any business at the Municipal Market; and, provided further, that the Director of Public Service may refuse to issue a second permit to any person whose permit has been previously revoked or cancelled.

(Prior code § 7450.24)

CHAPTER 16.43 - AIRPORT NOISE COMPATIBILITY

FOOTNOTE(S):

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Note— Prior ordinance history: Ord. C-6618.

16.43.010 - Definitions.

- A. "Air Carrier" means a scheduled carrier, certificated under FAR Parts 121, 125, or 135, operating aircraft having a certificated maximum takeoff weight of seventy-five thousand (75,000) pounds or more, transporting passengers or cargo.
- B. "California Noise Standards" means the Noise Standards for California Airports, as set forth in 21 California Code of Regulations, Section 5000 et seq. Unless otherwise stated, the terms used in this Chapter shall have the same meanings as set forth in the Noise Standards.
- C. "Charter operation" means a revenue producing takeoff or landing, operated by a person or entity that is neither an Air Carrier nor a Commuter Carrier, using an aircraft having a certificated maximum takeoff weight of seventy-five thousand (75,000) pounds or more and transporting passengers or cargo.
- D. "Commuter" and "commuter carrier" means a scheduled carrier, certificated under FAR Part 121 or 135, operating aircraft having a certificated maximum takeoff weight less than seventy-five thousand (75,000) pounds and transporting passengers or cargo.
- E. "Engine runup" means the operation of an aircraft engine while stationary for the purpose of testing (other than preflight), servicing or repairing such engine.
- F. "Flight" means one (1) arrival and one (1) departure by an aircraft.
- G. "General aviation" means aviation activity other than operations by Air Carriers, Commuter Carriers, Industrial operators, Charter operators, and public aircraft.
- H. "Incompatible property" means property used for residential purposes, schools and churches. Property subject to an easement for noise and property acoustically treated to reduce interior CNEL levels is not rendered compatible as a result of such easement or acoustic treatment.
- I. "Industrial operation" means one (1) takeoff or one (1) landing of an aircraft over seventy-five thousand (75,000) pounds maximum certificated gross takeoff weight for purposes of production, testing, remanufacturing, or delivery by or under the control of a manufacturer based at the Long Beach Airport. This definition does not include flights into or out of Long Beach for purposes of maintenance, retrofit or repair.
- J. "Operation" means a takeoff or a landing of an aircraft at the Long Beach Airport.
- K. "Owner/operator" means the owner of record of an aircraft operating at the Airport and the authorized user of that aircraft if different from the owner.
- L. "Practice Low Approach" and "Practice Missed Approach" means an action by an aircraft consisting of an approach to or over the Airport for a landing where the pilot intentionally does not make contact with the runway.
- M. "Public Aircraft" means an aircraft defined in 49 USC 40102 (37).

- N. "Stop and Go" means an action by an aircraft consisting of a landing followed by a complete stop on the runway and a takeoff from that point.
- O. "Touch and Go" means an action by an aircraft consisting of a landing and departure on a runway without stopping or exiting the runway.
- P. "Training operation" means Touch and Go, Stop and Go, Practice Low Approach, and Practice Missed Approach Operation, or any of them.

(Ord. C-7320 § 2, 1995)

16.43.020 - Scope of permission to use the Airport.

Any authorization to conduct operations at the Airport which is granted or continued under this Chapter is not transferable, directly or indirectly. Entities which are jointly owned or which own a controlling interest in another entity shall not be considered separate from the commonly owned or controlled entity. Although the authorizations to conduct operations at the Airport which are granted or continued under this Chapter may be considered to be interests requiring notice and an opportunity for hearing before revocation, such authorizations nevertheless remain public rights to which no user may obtain continuing ownership. Control of any permits issued pursuant to this Chapter may last only so long as the owner/operator complies with the conditions of use, ordinances, rules, and regulations of the City, including compliance with the terms of operating permits and the payment of all fees and charges established from time to time by the City.

(Ord. C-7320, § 2, 1995)

16.43.030 - Prohibited activities.

- A. Training Operations. No Touch and Go, Stop and Go, Practice Low Approach, or VFR Practice Missed Approach shall be conducted at the Airport except between seven a.m. and seven p.m. on weekdays and between eight a.m. and three p.m. on Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that if any such holiday falls on Saturday or Sunday and, as a result, a holiday is observed on the preceding Friday or succeeding Monday, then such Friday or Monday, as the case may be, shall be considered to be a holiday for purposes of this Section. Except for instrument training, Training Operations shall be conducted only on Runways 25R/7L and 25L/7R, unless the FAA directs such Operations on Runways 34L/16R and 34R/16L.
- B. Engine Runups. Engine runups shall be permitted only between the hours of seven a.m. and nine p.m. on weekdays and nine a.m. and nine p.m. on weekends and holidays. Such runups may be conducted only at locations designated for such purposes by the Airport Manager. Nothing in this Section shall be deemed to require relocation of existing runup facilities for which appropriate noise buffering devices have been constructed.
- C. Formation Takeoffs and Landings. Except as necessary in the manufacture or repair of aircraft, formation takeoffs and landings are prohibited at Long Beach Municipal Airport.
- D. Unapproved Charter Flights. No proposed charter operation shall be conducted unless the written permission of the Airport Manager has been sought and received before such operation is scheduled to occur.

(Ord. C-7320 § 2, 1995)

16.43.040 - Maximum SENEL limits.

- A. Subject to the authority of the Airport Manager to adjust permissible single event noise limits for categories of Airport users in order to reduce such group's cumulative noise levels, all non-governmental Operations at the Airport shall meet the following SENEL limits:

	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 11:00 p.m. and 6:00 a.m. to 7:00 a.m.	11:00 p.m. to 6:00 a.m.	Monitoring Station No.
<u>Runway</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>	<u>(Dep/Arr)</u>
30	102.5/101.5	90/90	79/79	9/10
12	102.5/101.5	90/90	79/79	10/9
25R	92/88	*/	*/	6/1
25L	95/93	*/	*/	5/2
7R	95/92	*/	*/	2/5
7L	88/92	*/	*/	1/6

* Except in case of emergency or air traffic direction, all aircraft Operations between the hours of 10:00 p.m. and 7:00 a.m. are limited to runways 30 and 12.

- B. Violations occurring during the period between ten p.m. and eleven p.m. which are the result of unanticipated delays beyond their reasonable control of the aircraft Owner/Operator shall be waived upon the presentation of evidence satisfactory to the Airport Manager that the delayed arrival or departure resulted from such circumstances. Delays caused by mechanical failure (but not by routine maintenance), by weather conditions or by air traffic control conditions will be considered beyond the Owner/Operator's control.
- C. The SENEL limits for the period from six a.m. to seven a.m. and from ten p.m. to eleven p.m. shall be subject to revision at the end of the fourth calendar quarter following the implementation of this Chapter. If, for the period covered by the four (4) calendar quarters following implementation of this Chapter, cumulative aircraft noise has exceeded the level allowed by Subsection 16.43.050.A, these limits shall be reduced to eighty-five (85) SENEL. The SENEL for the period from six a.m. to seven a.m. and from ten p.m. to eleven p.m. shall, however, revert to ninety (90) SENEL if, for any subsequent four (4) quarters, cumulative aircraft noise has not exceeded the level allowed by Subsection 16.43.050.A.

(Ord. C-7320 § 2, 1995)

16.43.050 - Cumulative noise limits and noise budgets.

- A. It is the goal of the City that Incompatible Property in the vicinity of the Airport shall not be exposed to noise above sixty-five (65) CNEL. In determining compliance with this noise goal and with the noise budgets established by this Chapter, a tolerance of one (1) dB CNEL will be applied. In assessing cumulative noise levels for any period less than one (1) year, the Airport Manager shall take into consideration and allow for reasonably anticipated seasonal variations in Operations and noise. The noise of military and Public Aircraft, for which the City bears no liability, will be excluded in calculating CNEL and in assessing compliance with the CNEL goal and CNEL budgets set forth in this Chapter.
- B. For purposes of this Section, users of the Airport shall be categorized as follows: Air Carriers, Commuter Carriers, Industrial operators, Charter operators, and General Aviation (which includes all other users). Each user group at the Airport will be assigned a noise budget for takeoff and landing noise on Runway 30/12.
- C. Initial noise budgets hereunder for Air Carriers, Commuter Carriers, Charter operators, and General Aviation shall be established determining the actual monitored noise level of each user group for the twelve (12) months ended October 31, 1990. In the case of Industrial operators, the baseline November 1, 1989, to October 31, 1990, noise budget shall be established by determining the actual monitored noise level of that user group for the twelve (12) months ended October 31, 1990, as augmented to accommodate reasonably projected Operations for manufacturing and flight test purposes by aircraft types which were under design during the base year but had not yet entered service. These noise budgets are selected to comply with the provisions of the Airport Noise and Capacity Act of 1990. Noise budgets shall be established by the Airport Manager and shall be published in a Technical Appendix to this Chapter. Administrative review of the decisions of the Airport Manager under this Chapter shall be conducted pursuant to the provisions of Section 16.43.110
- D. Following the conclusion of the first calendar quarter after the implementation of this Chapter, and following the conclusion of each calendar quarter thereafter, the Airport Manager shall issue a report assessing compliance with the noise goal set forth in Subsection A above and with the noise budgets established pursuant to Subsection C above.

(Ord. C-7320 § 2, 1995)

16.43.060 - Compliance with noise budgets.

- A. General Aviation Operations.
 - 1. If, for the six (6) month period covered by the two (2) calendar quarters following implementation of this Chapter (or for any six (6) month period thereafter), (a) General Aviation's cumulative noise (for such six (6) month period) exceeds the level established pursuant to Subsection 16.43.050.C and (b) overall aircraft noise for such six (6) month period exceeds the level allowed by Subsection 16.43.050.A, the GA Noise Committee will be permitted to institute voluntary procedures to reduce General Aviation's cumulative noise. If, for the two (2) calendar quarters following a determination by the Airport Manager that General Aviation noise and total aircraft noise have exceeded the levels permitted by Section 16.43.050, the GA Noise Committee has been unsuccessful in reducing General Aviation noise to the level established pursuant to Subsection 16.43.050.C (and overall airport noise for the prior twelve (12) month period exceeds the level permitted by Subsection 16.43.050.A), the Airport Manager shall, after consultation with the GA Noise Committee, institute such reductions in the maximum SENELs applicable to General Aviation Operations as the Airport Manager determines (recognizing the mandatory reductions in the SENEL limit for operations from six a.m. to seven a.m. and from ten p.m. to eleven p.m. to be

enforced pursuant to Section 16.43.040) are necessary for General Aviation to achieve its CNEL budget. On an annual basis for as long as overall airport noise exceeds the level allowed by Subsection 16.43.050.A and General Aviation noise exceeds the level established pursuant Subsection 16.43.050.C, the Airport Manager shall raise or lower the SENEL limits applicable to General Aviation as necessary to achieve the General Aviation CNEL budget; provided, however, that such reductions in the SENEL limits shall not be applicable to flights for maintenance, retrofit or repair performed by a manufacturer with manufacturing facilities at the Airport.

2. The Airport Manager shall give at least thirty (30) days' notice of any SENEL reduction required by Subsection A.1. Any Owner/Operator who contests any decision of the Airport Manager hereunder shall be entitled to the administrative hearing and appeal procedures set forth in Section 16.43.110

B. Industrial Operations.

1. Pending assessment of compliance with the CNEL budget applicable to Industrial Operations, the number of annual Flights by that user group shall not be increased above the number for the twelve (12) months ended October 31, 1990, as adjusted to accommodate Flights for manufacturing and test purposes by aircraft types which were under design during the period from November 1, 1989, to October 31, 1990, but had not yet entered service.
2. In order to achieve applicable noise budgets, users within the Industrial category will be encouraged to operate at the lowest average noise level consistent with safety. This encouragement will be provided by permitting increases in the number of allowed Industrial Flights if the Industrial user group achieves compliance with the CNEL budget established pursuant to this Chapter, as determined on an annual basis.
3. The Airport Manager shall determine, at the end of the fourth calendar quarter following implementation of this Chapter, whether additional flights may be allocated to Industrial operators based on the cumulative noise generated by Industrial users during the prior twelve (12) month period. Additional flights above those permitted under Subsection B.1 shall be awarded only to the extent the Airport Manager determines that initiation of such Flights will not lead the Industrial users, as a group, to exceed the level allowed by Subsection 16.43.050.C.
4. Flights allocated by the Airport Manager pursuant to Subsection B.3 shall be awarded for a period of one (1) year. In the event the Airport Manager determines: (a) that implementation of Flights awarded under Subsection B.3 has resulted in cumulative noise from Industrial Flights in excess of the Industrial noise budget; and (b) that overall aircraft noise exceeds the level allowed by Subsection 16.43.050.A, the Airport Manager shall revoke such of the flight awards granted under Subsection B.3 as the Airport Manager determines must be revoked in order to achieve compliance with the Industrial noise budget. In making this determination, the first Flights awarded under Subsection B.3 to be eliminated will be those of the operators with the highest average noise levels per Flight during the prior twelve (12) months. In the event that equal priorities exist, the Airport Manager shall conduct a lottery to determine which Flights shall be eliminated.
5. No industrial operator will be required to reduce its annual Operations below the number of Operations for the twelve (12) months ended October 31, 1990, as adjusted to accommodate Operations for manufacturing and flight test purposes by aircraft types which were under design

during the period from November 1, 1989, to October 31, 1990, but had not yet entered service. The number of annual Industrial Flights below which each Industrial user shall not be reduced shall be set forth in the Technical Appendix to this Chapter.

6. In order to minimize Industrial noise, all Industrial flights shall be conducted by aircraft which comply with the standards of FAR Part 36 Stage 3 and all Operations shall be scheduled between the hours of seven a.m. and ten p.m.

C. Charter Operations.

1. In order to minimize noise from Charter Operations, all Charter Operations shall be conducted by aircraft which comply with the standards of FAR Part 36 Stage 3 and all Charter Operations shall be scheduled between the hours of seven a.m. and ten p.m.
2. If, for the six (6) month period covered by the two (2) calendar quarters following implementation of this Chapter (or for any six (6) month period thereafter): (a) Charter operators' cumulative noise (for such six (6) month period) exceeds the level established pursuant to Subsection 16.43.050.C; and (b) overall aircraft noise for such six (6) month period exceeds the level allowed by Subsection 16.43.050.A, the Airport Manager will attempt to gain voluntary compliance by Charter operators with operating restrictions which will result in compliance with the CNEL goal established for this user group. If, for the two (2) calendar quarters following a determination that Charter operators' noise and total aircraft noise have exceeded the levels permitted by Section 16.43.050, the Airport Manager is unsuccessful in reducing Charter operators' noise to the level established pursuant to Subsection 16.43.050.C (and overall Airport noise for the prior twelve (12) month period exceeds the level permitted by Subsection 16.43.050.A), the Airport Manager shall, after consultation with Charter operators, institute such reductions in the SENEL limits applicable to Charter Operations as the Airport Manager determines (recognizing the mandatory reductions in the SENEL limit for operations from six a.m. to seven a.m. and from ten p.m. to eleven p.m. to be enforced pursuant to Section 16.43.040) are necessary for Charter operators to achieve their CNEL budget. On an annual basis for as long as overall airport noise exceeds the level allowed by Subsection 16.43.050.A and Charter operators' noise exceeds the level established pursuant Subsection 16.43.050.C, the Airport Manager shall raise or lower the SENEL limits applicable to Charter operators as necessary to achieve the Charter operators' CNEL budget.
3. The Airport Manager shall give at least thirty (30) days' notice of any SENEL reduction required by Subsection C.2. Any Owner/Operator who contests any decision of the Airport Manager hereunder shall be entitled to the administrative hearing and appeal procedures set forth in Section 16.43.110

D. Commuter Flights.

1. Commuter Carriers shall be permitted to operate not less than twenty-five (25) flights per day, the number of Flights authorized on November 5, 1990. Pending assessment of compliance with the CNEL budget applicable to Commuter Carriers, Flights by these users shall not be increased above the number permitted as of November 5, 1990.
2. In order to achieve applicable noise budgets, users within the Commuter category will be encouraged to operate at the lowest average noise level consistent with safety. This encouragement will be provided by permitting increases in the number of allowed Commuter Flights if the Commuter user group achieves compliance with the CNEL budget established pursuant to this Chapter, as determined on an annual basis.
- 3.

Flights which are available for use, but which are unallocated at the time this Chapter becomes effective, shall be allocated on a first-come, first-served basis. Allocations of Flights which are sought by more than one (1) user shall be determined by lottery.

4. The Airport Manager shall determine, at the end of the fourth calendar quarter following implementation of this Chapter, whether additional Flights may be allocated to Commuters based on the cumulative noise generated by Commuter Operations during the prior twelve (12) month period. Additional Flights above those permitted under Subsection D.1 shall be awarded only to the extent the Airport Manager determines that initiation of service utilizing those flights will not lead the Commuters, as a group, to exceed the level allowed by Subsection 16.43.050.C.
5. Flights allocated by the Airport Manager pursuant to Subsection D.4 shall be awarded for a period of one (1) year. In the event the Airport Manager determines: (a) that implementation of Flights awarded under Subsection D.4 has resulted in Commuter cumulative noise in excess of the commuter noise budget; and (b) that overall aircraft noise exceeds the level allowed by Subsection 16.43.050.A, the Airport Manager shall revoke such of the Flight awards granted under Subsection D.4 as the Airport Manager determines must be revoked in order to achieve compliance with the Commuter noise budget. In making this determination, the first Flights awarded under Subsection D.4 to be eliminated will be those of the operators with the highest average noise levels per Flight during the prior twelve (12) months. In the event that equal priorities exist, the Airport Manager shall conduct a lottery to determine which Flights shall be eliminated.
6. In order to minimize Commuter noise, all Commuter Operations shall be conducted by aircraft which comply with the standards of FAR Part 36 Stage 3 and all Operations shall be scheduled between the hours of seven a.m. and ten p.m.

E. Air Carrier Flights.

1. Air Carriers shall be permitted to operate not less than forty-one (41) flights per day, the number of flights authorized on November 5, 1990. Pending assessment of compliance with the CNEL budget applicable to Air Carriers, Flights by these users shall not be increased above the number permitted as of November 5, 1990.
2. In order to achieve applicable noise budgets, users within the Air Carrier category will be encouraged to operate at the lowest average noise level consistent with safety. This encouragement will be provided by permitting increases in the number of allowed Air Carrier Flights if the Air Carrier user group achieves compliance with the CNEL budget established pursuant to this Chapter, as determined on an annual basis.
3. Flights which are available for use, but which are unallocated at the time this Chapter becomes effective, shall be allocated on a first-come, first-served basis. Allocations of Flights which are sought by more than one (1) user shall be determined by lottery.
4. The Airport Manager shall determine, at the end of the fourth calendar quarter following implementation of this Chapter, whether additional Flights may be allocated to Air Carriers based on the cumulative noise generated by Air Carrier Operations during the prior twelve (12) month period. Additional Flights above those permitted under Subsection E.1 shall be awarded only to the extent the Airport Manager determines that initiation of service utilizing those Flights will not lead the Air Carriers, as a group, to exceed the level established pursuant to Subsection 16.43.050.C.
- 5.

Flights allocated by the Airport Manager pursuant to Subsection E.4 shall be awarded for a period of one (1) year. In the event the Airport Manager determines: (a) that implementation of Flights awarded under Subsection E.4 has resulted in air carrier cumulative noise in excess of the Air Carrier noise budget; and (b) that overall aircraft noise exceeds the level allowed by Subsection 16.43.050.A, the Airport Manager shall revoke such of the Flight awards granted under Subsection E.4 as the Airport Manager determines must be revoked in order to achieve compliance with the Air Carrier noise budget. In making this determination, the first Flights awarded under Subsection E.4 to be eliminated will be those of the operators with the highest average noise levels per Flight during the prior twelve (12) months. In the event that equal priorities exist, the Airport Manager shall conduct a lottery to determine which Flights shall be eliminated.

6. In order to minimize Air Carrier noise, all Air Carrier Operations shall be conducted by aircraft which comply with the standards of FAR Part 36 Stage 3 and all operations shall be scheduled between the hours of seven a.m. and ten p.m.

F. Administrative Review. Administrative review of the decisions of the Airport Manager under this Section shall be conducted pursuant to the provisions of Section 16.43.110

(Ord. C-7320 § 2, 1995)

16.43.070 - General exemptions.

The following categories of aircraft shall be exempt from the provisions of this Chapter:

- A. Public Aircraft, including military aircraft;
- B. Law enforcement, emergency, and fire or rescue aircraft operated by any governmental entity;
- C. Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, the State or the City;
- D. Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- E. Aircraft engaged in landings or takeoffs while conducting tests, pursuant to written authorization of the Airport Manager, to determine probable compliance with the provisions of this Chapter. Such tests shall only be authorized for aircraft which, based on material submitted to the Airport Manager, are reasonably expected to be able to comply with the terms of this Chapter;
- F. Aircraft experiencing an in-flight emergency; provided, however, that the aircraft Owner/Operator or pilot in command shall, within ten (10) days after a written request from the City, file with the Airport Manager an affidavit documenting the precise emergency condition(s) which necessitated the Operation;
- G. Aircraft operating pursuant to explicit air traffic control direction in a manner which would otherwise not comply with the terms of this Chapter.
- H. Aircraft conducting operations in response to a medical emergency which has been documented in the manner required by the Airport Manager.

(Ord. C-7320 § 2, 1995)

16.43.080 - Presumptions for violation responsibility.

- A. In the case of any Training Operation in which both an instructor pilot and a student pilot are in an aircraft flown in violation of any of the provisions of this Chapter, the instructor pilot shall be presumed to have caused such violation.
- B.

For purposes of this Chapter, the beneficial owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operation, except where the aircraft is leased, in which case the lessee shall be presumed to be the pilot with authority to control the aircraft's operation. Such presumptions may be rebutted only if the owner or lessee identifies the person who in fact was the pilot in command at the time of the asserted violation.

- C. In each case in which the actual operator of an aircraft can be determined, such operator shall be responsible for compliance with the terms of this Chapter.
- D. Employees of corporate owners/operators shall not be issued individual notices of violation unless it is shown that such employees failed to follow company operating procedures.
- E. Notices given by the Airport Manager, when sent by First Class United States mail (and not returned), shall be deemed received five (5) days after mailing.

(Ord. C-7320 § 2, 1995)

16.43.090 - Violation enforcement.

- A. If the Airport's General Aviation Owner/Operators organize, maintain, and oversee the activity of a General Aviation Noise Committee (the "GA Noise Committee") to encourage voluntary noise abatement efforts, the Airport Manager will provide the GA Noise Committee with reports identifying aircraft Owner/Operators who have violated the provisions of this Chapter.
- B. The GA Noise Committee, if formed, will publicize the Airport's noise abatement program and encourage compliance. In the case of General Aviation Owner/Operators which fail to comply with the City's enacted noise restrictions, the Committee shall be permitted to attempt to achieve voluntary compliance. If no Noise Committee is formed or if a General Aviation Owner/Operator does not comply with the City's enacted noise restrictions notwithstanding the Noise Committee's voluntary enforcement efforts, the Airport Manager will proceed with mandatory enforcement through the procedures of this Section 16.43.090, Section 16.43.100 of this Chapter, or both.
- C. The Owner/Operator of any aircraft operated contrary to the provisions of this Chapter shall be given written notice by the Airport Manager that a violation has occurred. Said notice shall include a copy of the pertinent provisions of this Chapter and shall state that action must be taken by the Owner/Operator to insure compliance with this Chapter and all Airport regulations. Copies of the notices given by the Airport Manager under this Subsection shall be made available to the GA Noise Committee upon reasonable notice so that the GA Noise Committee may endeavor to obtain voluntary compliance with the City's noise restrictions.
- D. In the event of a violation of this Chapter after a notice pursuant to Subsection C above has been received or been deemed received, the Airport Manager shall give the Owner/Operator written notice of such violation. Said notice shall also state that the aircraft Owner/Operator must, within fourteen (14) days after such notice has been received or been deemed received, prepare and implement a written compliance program for its Operations at Long Beach Airport and submit said compliance program to the Airport Manager for review. The Airport Manager shall extend this period upon a showing of good cause. The compliance program shall contain feasible steps, consistent with safety, by which the Owner/Operator expects to achieve compliance with the provisions of this Chapter and to minimize the noise of its Operations. The Airport Manager shall not approve or disapprove compliance programs, but may give notice to the Owner/Operator that one (1) or more aspects of a compliance program are inconsistent with this Chapter or with other rules or regulations applicable to users of the Airport. The requirement that a compliance plan shall be prepared, implemented, and submitted to the Airport Manager shall not affect or excuse any violation of this Chapter occurring

after the notice given pursuant to this Subsection D has been received or has been deemed received. Copies of the notices given by the Airport Manager under this Subsection shall also be made available to the GA Noise Committee upon reasonable notice.

- E. A surcharge of one hundred dollars (\$100.00) shall be paid by the Owner/Operator of any aircraft operated on one (1), but only one (1), occasion in violation of this Chapter within twenty-four (24) months after a notice pursuant to Subsection D has been received or has been deemed received.
- F. After a notice under Subsection D has been received or has been deemed received by an Owner/Operator, a surcharge of three hundred dollars (\$300.00) shall be paid by such Owner/Operator for the second and for each subsequent violation of this Chapter occurring during any twelve (12) month period.
- G. No surcharge shall be sought for Operations occurring before: (a) a notice pursuant to Subsection C advising said Owner/Operator that the aircraft has failed to comply with this Chapter; and (b) a notice pursuant to Subsection D advising the Owner/Operator of a second violation and of the need for the preparation of a compliance program has been received or been deemed received by the Owner/Operator. The maximum surcharge for an Owner/Operator that has not been the subject of a notice of violation within the previous twelve (12) months shall be one hundred dollars (\$100.00). Owner/Operators with no violations within the previous twenty-four (24) months shall be processed pursuant to Subsection D above.
- H. Any Owner/Operator who contests any decision of the Airport Manager hereunder shall be entitled to the administrative hearing and appeal procedures set forth in Section 16.43.110

(Ord. C-7320 § 2, 1995)

16.43.100 - Alternative enforcement procedures.

It is a misdemeanor, subject to the penalties applicable to misdemeanors, for the Owner/Operator of an aircraft to exceed any established SENEL limit without a reasonable basis for believing that the aircraft employed would comply with the applicable SENEL limit. Owner/Operators of scheduled Flights utilizing aircraft which comply with the standards of FAR Part 36 Stage 3 shall be presumed, for the purposes of this Section, to possess a reasonable basis for believing that such aircraft can be operated in compliance with applicable SENEL limits.

(Ord. C-7320 § 2, 1995)

16.43.110 - Administrative hearings and appeals.

- A. In any case where a person or entity notified of a violation of this Chapter or a decision of the Airport Manager or his staff under this Chapter which such person or entity contends is erroneous or unjustified, the person shall be entitled to an administrative hearing before the Airport Manager or his designee. The request for such a hearing shall be made within fifteen (15) days following the mailing of notice of the decision to be reviewed or within ten (10) days following actual receipt of notice delivered other than by mail. The Airport Manager shall give notice when the hearing will be conducted (which shall be between fourteen (14) and twenty-one (21) days after the request for a hearing is received). The administrative hearing shall be informal. Witnesses may be called, but written statements may be submitted. All relevant and persuasive evidence shall be considered. The rules of evidence, discovery, and formal trial procedures shall not be applicable. Following the hearing, the Airport Manager shall prepare a record of the proceeding, including a copy of all written

materials received and a summary of the oral testimony presented. The Airport Manager shall, within ten (10) days following the hearing, issue a written post-hearing decision. That decision shall be final unless appealed to the City Manager as provided in Subsection B below.

- B. Any final decision of the Airport Manager pursuant to this Chapter shall be appealable to the City Manager by giving written notice to the City Manager within fifteen (15) days following the mailings of a notice of final decision by the Airport Manager. The City Manager or his designee shall give such person or entity at least fifteen (15) days' notice in writing specifying the time and place of the hearing of the appeal, and inviting such person or entity to present any additional argument deemed appropriate in determining whether a violation has occurred. The notice shall be served by U.S. mail, with service being complete upon mailing. The hearing may be held before a hearing officer designated by the City Manager; provided that the designated hearing officer shall not be from the same department as the Airport Manager, and shall be at least a Bureau Manager. The City Manager may, in the alternative, appoint an administrative hearing board consisting of not less than three (3) members of the City's administrative staff, each of whom must meet the same criteria as an administrative Hearing Officer as described above. The appeal will be decided on the basis of the submissions to the Airport Manager, his summary of the evidence presented, and the arguments presented to the City Manager or his designee. The City Manager or his designee shall not be required to accept additional evidence. A written notice of decision shall be issued within fifteen (15) days following the hearing on appeal. The final decision of the City Manager shall be final unless appealed to the City Council within fifteen (15) days after the mailing of notice thereof by the City Manager.
- C. Appeals of final decisions of the City Manager under this Chapter shall be conducted as provided in Chapter 2.93 of this Code.
- D. The pendency of any proceeding pursuant to Section 16.43.110 shall not affect or excuse any violation of this Chapter occurring during the pendency of such proceedings unless the Airport Manager, the City Manager, or City Council stays the effectiveness of the decision under review.

(Ord. C-7320 § 2, 1995)

16.43.120 - Changes in methods of monitoring noise or calculating noise impacts.

Neither the methods nor the devices used in measuring aircraft noise under this Chapter shall be changed or adjusted in any manner which would limit or restrict operations or activities which were permitted by this Chapter when it was initially adopted.

(Ord. C-7320 § 2, 1995)

CHAPTER 16.44 - AIRPORT

16.44.010 - Definitions.

Unless the context otherwise requires, the definitions set forth in this Section govern the construction of this Chapter:

- A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.
- B. "Air carrier" means any individual, partnership, corporation or association undertaking, directly or indirectly, to engage in the carriage in air commerce of goods or passengers for compensation or hire, or in the operation of aircraft in the conduct or furtherance of a business wherein the principal purpose of the aircraft operation is the air transportation of passengers or property.
- C. "Airport" means the property described in Section 16.44.020 as set aside for Airport purposes, as the same may from time to time be altered or changed, which property shall be called the Long Beach Airport (Daugherty Field), and wherever in this Code the words "Airport," "field," "Long Beach Municipal Airport," "Municipal Airport," or "Daugherty Field" appear they mean the Long Beach Airport (Daugherty Field).
- D. "Director" means the Director of Aeronautics, Airport Manager.
- E. "Itinerant aircraft" means any aircraft not permanently based at the Airport.
- F. "Landing" means the arrival of aircraft at the Airport for the purpose of loading or discharging passengers, goods or property.
- G. "Standard gross weight" means the weight specified for a particular aircraft in the license therefor granted by the Federal Aviation Agency, or such other governmental authority having jurisdiction in the premises.

(Prior code § 7420)

16.44.020 - Location.

The Airport shall be located upon certain property and in the City of Long Beach, County of Los Angeles, State of California, bounded and described as follows:

Beginning at the northwest corner of Lot 48, Tract No. 8084 as per map recorded in Book 171 page 29 of maps, records of the county; thence easterly 6,467.72 feet along the north lines of Lots 48, 49, and 51, said Tract No. 8084, to the west line of Lakewood Boulevard, 100 feet wide; thence southerly 5,251.60 feet along said west line of Lakewood Boulevard to the south line of Lot 67, said Tract No. 8084; thence westerly 1,270.32 feet along said south line of Lots 67 and 66 of said Tract No. 8084 to the southwest corner of said Lot 66; thence northerly 10 feet along the west line of said Lot 66 to a line 40 feet northerly of and parallel to centerline of Spring Street, being the north line of Spring Street, 80 feet wide, as established August 30, 1940, by Ordinance No. C-1832 of City of Long Beach; thence westerly 4978.95 feet, more or less, along said north line of Spring Street, 80 feet wide, to the east line of Vine Avenue as shown on map of American Colony Tract recorded in Book 19, pages 89 and 90, of miscellaneous records in the office of the County Recorder, said Vine Avenue having been vacated June 12, 1928, by Resolution No. C-3464 of City of Long Beach; thence southerly 10 feet along said east line of Vine Avenue to an angle in City

boundary at north line of Spring Street, 60 feet wide; thence westerly 930 feet along said north line of Spring Street, 60 feet wide, to a line 420 feet easterly of and parallel to the centerline of Cherry Avenue; thence northerly 1,230.28 feet along said line 420 feet east of the centerline of Cherry Avenue; thence easterly 460 feet to a line 880 feet easterly of and parallel to the centerline of Cherry Avenue; thence northerly 1,340.25 feet along said line 880 feet easterly of the centerline of Cherry Avenue to the south line of Wardlow Road, 80 feet wide; thence easterly 2061.20 feet along said south line of Wardlow Road to the southerly prolongation of the westerly line of Lot 50, said Tract No. 8084, thence northerly along said southerly prolongation, said westerly line of Lot 50 and the northerly prolongation thereof, a distance of 759.86 feet to the south of Lot 49, said Tract No. 8084; thence westerly and southwesterly 2074.62 feet along said south line of Lot 49 and southerly line of the aforementioned Lot 48 to the south west corner of said Lot 48; and thence northerly 1,763.56 feet along the westerly line of said Lot 48 to the northwest corner thereof, to the point of beginning. Together with such other lands as may hereafter be set aside for airport purposes, is set aside as an airport.

(Prior code § 7420.1)

16.44.030 - Director duties.

It shall be the duty of the Director to enforce the provisions of this Chapter, and for the purpose of securing enforcement thereof, the Director and his duly authorized representatives shall have the right and are empowered to enter and inspect all hangars, buildings and equipment maintained at or operated from the Airport. Upon such inspection, if the Director or his representatives finds any such hangar or other building or equipment is in an unsafe condition, it shall be his duty to notify the owner or lessee thereof, in writing, of the unsafe condition, setting forth the condition, and it shall thereafter be that no person, whether as principal, agent, servant, employee or otherwise, shall operate or use any such hangar building or equipment until the condition thereof has been remedied so that the same will be safe and has received the approval of the Director.

(Prior code § 7420.2)

16.44.040 - Commercial use permit—Required.

No person shall use the Airport for the carrying on or conduction of commercial aviation or the carrying of passengers, freight, express or mail, or for student flying, communications or any other commercial purpose without first securing a written permit from the Director; provided, however, that this shall not apply to fixed base operators located on the Airport who hold valid lease agreements with the City for such purposes.

(Prior Code § 7420.3)

16.44.041 - Ground transportation services.

- A. All van, limousine, bus and other ground transportation services for hire shall comply with the requirements of Section 16.44.040 and all applicable sections of Chapter 5.66 of this Code in obtaining the permits or licenses specified by the Airport Manager. Only those ground transportation services described in this Section having obtained the required permits are authorized to conduct business at the Airport unless exempted by Subsections A, C, D, E or F of Section 5.66.020 of this Code.
- B. Ground transportation services authorized to conduct business at the Airport shall park in the location or locations designated by the Airport Manager for parking of such vehicles. Only ground transportation services authorized to conduct business at the Airport may park in such location.

- C. No person or entity providing ground transportation services shall park vehicles in any location other than the locations designated by the Airport Manager for parking of such vehicles.

(Ord. C-6079 § 1, 1984)

16.44.050 - Field rules.

- A. Vehicles shall not be driven upon any portion of the Airport other than driveways and parking places specifically laid out for the use of the vehicles; provided, however, that this shall not apply to vehicles used for emergency or service work upon the Airport where the drivers of the vehicles have obtained permission from the Director for their operation.
- B. Private automobiles or trucks shall not be serviced from the gasoline pits provided on the Airport field for the use of aircraft.
- C. Rubbish or trash shall not be thrown or allowed to be scattered upon the Airport.
- D. Aircraft shall not be taxied at a speed exceeding fifteen (15) miles per hour.
- E. Aircraft shall not be supplied with fuel while located in any hangar or other enclosed place or while the motor of the aircraft is running.
- F. No pilot other than a commercial pilot with instructor's rating shall, for hire or reward or gratuitously, teach the art of flying on the Airport and none other than a commercial pilot with instructor's rating shall check out students.
- G. All unhoused aircraft must be parked in the space allotted therefor and shall be secured firmly to the ground by ropes and stakes or otherwise when left unattended at night or during weather conditions which indicate the necessity for it. Any aircraft left unattended shall be left entirely at the risk of the owner or operator thereof.
- H. The aircraft owner, his pilot or agent shall be responsible for the prompt removal or disposal of wrecked aircraft and the parts thereof to avoid interference with field operations, unless directed to delay such action pending the investigation of the accident.
- I. Aviation gasoline, lubricating oil or grease shall not be sold to pilots of itinerant aircraft or aircraft based on this field except by the company or companies holding valid lease agreements with the City for such purposes.
- J. No privately owned vehicles of any type shall be permitted on the landing area except by permission from the Director.
- K. No person shall smoke, strike a match or produce any flame within fifty feet (50') of any containers of gasoline or other combustible liquid or within any City-owned hangars or repair shops located on or within the confines of the Airport.
- L. No person shall engage in the sale of refreshments or any other commodity or service within the confines of the Airport without previously having secured a permit from the Council. No application shall be considered by the Council, however, unless first approved by the Director.

(Prior code § 7420.4)

16.44.060 - Parking outside designated areas prohibited.

No person operating or in charge of any aircraft shall at any time stop, park or let stand and leave unattended any aircraft in or on any area of the Long Beach Airport which is outside the marked boundaries of any leasehold premises situated at the Long Beach Airport, or outside those areas designated for the parking of aircraft by the Director of Aeronautics, except with prior written

authorization of the Director of Aeronautics. The registered owner of any aircraft stopped, parked, or left standing in any area in violation of this Section shall be deemed prima facie responsible for the violation, and subject to the penalty therefor.

(Ord. C-5285 § 1, 1977: prior code § 7420.85)

16.44.070 - Flying rules.

The Airport is a controlled Airport by authority of the Federal Aviation Agency. All aircraft entering in or emanating from this controlled zone will be governed by regulations of the Federal Aviation Agency and the following rules. No person operating or in charge of any aircraft shall fail, neglect or refuse to comply with the following flying rules of the Airport:

- A. When the wind is from the east or south, no aircraft shall traverse any course other than a counterclockwise course.

When the wind is from the west or the north or the northwest, no aircraft shall traverse any course other than a clockwise course.

A flashing amber light located on the roof of the traffic-control tower shall mean that clockwise (to the right) flow of traffic around the Airport is required.

- B. All aircraft in approaching the Airport shall fall in the line of traffic until a point has been reached where a landing can be made directly into the wind, and, if practicable, with a straight glide beginning at a minimum of one thousand feet (1,000') from the outer boundary of the Airport.
- C. Aircraft approaching for a landing shall circle the airport at a minimum altitude of one thousand five hundred feet (1,500') to observe other traffic unless the pilot receives other instructions from the airport traffic-control operator.
- D. Landing aircraft shall have the right-of-way.
- E. Aircraft, when taking off from the Airport, shall not make any turn before reaching an altitude of five hundred feet (500').
- F. Aircraft shall not take off over hangars, buildings or other obstacles or over groups of spectators unless unavoidable.
- G. All aircraft operating on or from the Airport shall have the following minimum equipment: wheel brakes, tail or nose wheel and one-way radio receiver.
- H. Aircraft, when carrying United States mail or operating on regular scheduled stops, shall be given the right-of-way when landing and taking off. This rule shall not apply to aircraft in distress.
- I. Pilots or personnel in charge of aircraft, in taxiing to and from the runways, shall use the taxiways provided for this purpose.
- J. All traffic on the Airport shall be controlled by radio and in emergencies by visual light signals.
- K. Takeoffs and landings shall be made into the wind and in the direction indicated by the controlled tetrahedron located west of the administration building unless otherwise directed by the traffic-control operators.
- L. Pilots on the ground shall acknowledge light signals from the control tower by working the ailerons or by moving the rudder.
- M. Pilots in flight shall acknowledge receiving signals from the control tower by rocking the wings.
- N.

All aircraft not equipped with radio shall, upon approaching the field, maintain a constant watch on the traffic-control tower located on the roof of the administrative building.

- O. No parking on any runway shall be permitted. Aircraft shall not be taxied on to runways without first having received clearance to take off either by radio or visual light signal from the traffic-control tower.
- P. The surfaced runways shall be used for all takeoffs and landings, except that they may be made from the turfed areas with permission from the Director or chief air traffic control operator.
- Q. During the hours of darkness, suspension of contact flight rules will be indicated by the flashing lights outlining the traffic direction indicator (tetrahedron).
- R. During the hours of daylight, suspension of contact flight rules will be indicated by the lighting and operation of the rotation beacon and the flashing lights outlining the traffic direction indicator (tetrahedron).

(Prior code § 7420.5)

16.44.080 - Light signals.

The following signals for the control and regulation of aircraft shall be established, and every person operating aircraft at this Airport shall obey such signals:

- A. When a pilot is taxiing:
 - 1. A red light from a directed traffic-control light means "Stop".
 - 2. A series of red flashes from a directed traffic-control light means that the pilot is to taxi back to the hangar line.
 - 3. A series of green flashes from a directed traffic-control light means "Cleared to continue taxiing".
- B. When a pilot is in position to take off:
 - 1. A red light from a directed traffic-control light means "Clear the runway immediately and wait".
 - 2. A green light from a directed traffic-control light means "Cleared for takeoff".
- C. When an aircraft is in flight:
 - 1. A green light from a directed traffic-control light means "Cleared to land".
 - 2. A red light from a directed traffic-control light means "Give way to other aircraft and continue circling".
 - 3. During the hours of darkness, a pilot wishing to land shall turn on his landing light when he approaches the Airport unless he has already been given a green light.
 - 4. Pilots shall acknowledge light signals by rocking their wings during the hours of daylight, or blinking their landing lights during the hours of darkness.
- D. General warning signal:
 - 1. A series of alternating red and green flashes from a directed traffic-control light shall be used as a general warning signal to advise a pilot to be on the alert for hazardous or unusual conditions.

(Prior code § 7420.6)

16.44.090 - Rates and fees.

The rates and fees for the uses of or services rendered at the Long Beach Airport shall be established by resolution of the City Council.

(Ord. C-5407 § 1, 1978; prior code § 7420.7)

16.44.100 - Commercial use permit—Contents.

The permit required by Section 16.44.040 shall be in written form subscribed by the Director and by the permittee and shall provide:

- A. A statement of the use to be made by the permittee and the portion of the Airport to be used;
- B. The dates and approximate duration of such use;
- C. The fees to be charged for such use;
- D. An acknowledgement that the permittee will pay each daily fee in advance, that the permittee will abide by field rules of the City, by its ordinances, by all regulations of the Federal Aviation Agency and by all laws and regulations of any government or governmental agency having authority over or at the Airport; and
- E. Any other matters which the City Manager deems appropriate.

(Prior code § 7420.10)

16.44.110 - Fuel dispensing permit—Required.

Except as provided in this Chapter, no person shall deliver aviation fuel or lubricants to, or dispense such aviation fuel or lubricants from, at or upon the Airport without first securing a written permit authorized by the City Council and having paid a fee as determined by the City Council by resolution. This Section shall not be applicable to the delivery or dispensing of aviation fuel or lubricants on property leased to any person by the City if the lease authorizes the lessee to deliver or dispense aviation fuel or lubricants on the leased premises.

(ORD-10-0014, § 24, 2010; Prior code § 7420.11)

16.44.120 - Fuel dispensing permit—Contents.

The permit required by Section 16.44.110 shall be in written form and shall provide:

- A. A statement of the use to be made by the permittee and the portions of the Airport to be used;
- B. The term of the permit;
- C. The fees to be charged for such use and the manner of payment of such fees;
- D. Acknowledgement that permittee shall indemnify and save harmless the City from and against any claims, actions or liability of any kind, connected with the use of the Airport by permittee; and
- E. Any other matters which the City Manager may deem appropriate.

(Prior code § 7420.12)

16.44.130 - Administrative regulations.

The Director shall establish reasonable regulations relating to all activities upon the airport. Such regulations shall be subject to the prior approval of the City Council and shall be premised upon the maintenance upon the Airport of sanitary and sightly conditions, orderliness, and the preservation of public health, safety, peace, welfare, and convenience in the use of the Airport for the purpose for which it was established. One (1) copy of the regulations, as approved by the City Council, shall be filed in the office of the City Clerk. Another copy shall be kept posted conspicuously within the administration

building. Violation of any such regulation shall be cause for revocation of any permit or license or shall be a breach of any contract relating to the use of the Airport or any of its facilities or property or shall be cause for refusal to permit a continued use of the Airport, its facilities and property until compliance with the regulation is affected.

(Prior code § 7420.13)

16.44.140 - Special aviation fund.

In compliance with the provisions of Article 4 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, there is created and established a special fund to be known as special aviation fund. All money received by the City from the State under the provisions of Public Utilities Code for Airport and aviation purposes shall be deposited into the fund created and established by this Section. The City shall also deposit into the fund from its general fund amounts of money at least equal to the amounts of money to be received from the State and to be deposited into the fund. All moneys in the fund shall be expended exclusively for Airport and aviation purposes and shall be subject to the provision of Article 4 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

(Prior code § 7420.14)

16.44.150 - Authorized helicopter operations.

Helicopters are authorized to land and takeoff only from the designated operational areas of the Long Beach Municipal Airport and from such helicopter landing facilities, sometimes referred to as heliports, which may be officially designated by the City. It is unlawful to takeoff or land any aircraft at any location in the City other than those specified in this Section except in an emergency where the aircraft cannot safely continue to the nearest authorized landing area.

(Ord. C-6037 § 1 (part), 1984)

16.44.151 - Authorized helicopter facilities.

- A. General helicopter landing facilities are those approved by the City and all other relevant government agencies for uses of the type and nature specified in the permit.
- B. Emergency helicopter landing facilities are those established by the City or other governmental entity for police and fire emergency use only.

(Ord. C-6037 § 1 (part), 1984)

16.44.152 - Helicopter facility permits.

- A. Any person or entity wishing to establish a general helicopter landing facility within the City shall first obtain a helicopter facility permit. Applications for such permits may be obtained from and shall be submitted to the Long Beach Fire Department.
- B. No permit shall be issued for any general helicopter landing facility which does not evidence approval and compliance with the requirements of the Federal Aviation Administration and the California Department of Transportation.

(Ord. C-6037 § 1 (part), 1984)

16.44.153 - Development standards.

- A. The following minimum requirements shall apply to all general helicopter landing facilities:
 - 1. In every case, application for a permit shall be made to the Fire Department. Any permit granted under the above provisions shall be the number of landings and takeoffs authorized within any twenty-four (24) hour period. This permit does not constitute permission for the applicant to

conduct passenger flights for passengers other than the specific person or persons for whom the flight is chartered.

2. The landing area shall have two (2) lines of approach or takeoff and these shall be removed from each other by at least a ninety degree (90°) angle. This approach and takeoff area shall be clear of any obstructions within a glide or takeoff path computed on the ratio of eight (8) horizontal to one (1) vertical.
 3. An area of approximately seventy-five (75) by seventy-five feet (75') shall be required. This area shall be clearly defined by means of a substantial barrier or other method providing physical restraint to prohibit the entrance of unauthorized persons into the landing area. Additional area may be required depending on the area and any additional hazards.
 4. Adequate personnel shall be provided to police the landing area to assist in restraining unauthorized persons from entering the landing area.
 5. A minimum of two (2) 24OBC type dry powder extinguishers shall be provided on the ground adjacent to the landing area. Personnel trained in the use of such extinguishers shall be in attendance.
 6. Some type of indicator shall be provided to show wind direction.
 7. Insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040
 8. The Federal Aviation Administration (FAA) shall be advised concerning each landing, and compliance with air traffic control directions is required.
- B. In addition to the above, all requirements of Article 24 of the Uniform Fire Code and Chapter 2.1 of Title 21 of the California Administrative Code shall be compiled with.

(Ord. C-7934 § 23, 2004; Ord. C-6037 § 1 (part), 1984)

CHAPTER 16.47 - OFF-AIRPORT CAR RENTALS

16.47.010 - Off Airport car rental access.

Any person or entity desiring access to the Airport for the purpose of conducting rental car business operations, either directly or indirectly, shall first obtain from the City a commercial use permit prior to conducting any such business on Airport property.

(Ord. C-6508 § 1 (part), 1988)

16.47.020 - Term of permits.

Commercial use permits for off Airport car rental companies will be issued annually for a twelve (12) month period within sixty (60) days after the application has been submitted to and approved by the Airport Manager.

(Ord. C-6508 § 1 (part), 1988)

16.47.030 - Application.

The City may issue a commercial use permit only upon receipt of a signed and verified application from the rental car business owner containing the following information, agreements and proof:

- A. The names and addresses of every person or corporation having an interest in the business.
- B. For a corporate owner not traded publicly, the names and addresses of every person having an interest in the business.
- C. Insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040
- D. The make, model, color, identification number, and motor vehicle registration number of all vehicles to be operated on Airport property.
- E. Proof of financial responsibility in the form of cash or a bond, as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040
- F. A written agreement to pay to the City for the duration of the permit eight percent (8%) of all gross business receipts derived from the rental of vehicles to passengers picked up at the Airport, payable on the twenty-fifth day of each month for the preceding month's receipts. Without waiving any other right of action available to City in the event of delinquency by permittee for a period of thirty (30) days or more in its payment to City of the above compensation, and without waiving the interest specified herein upon acceptance of said payment, permittee shall pay to City interest thereon at the rate of return on City's investment portfolio for the previous month from the date such item was due and payable until paid. Interest shall be compounded monthly until the debt is paid.
- G. The names and job titles of local management personnel, as well as all employees engaged in the operation of vehicles to be operated on Airport property.
- H. A written agreement agreeing to obey and follow all standards and regulations published by the City or its Airport Manager.
- I. Proof of all business and motor vehicle permits required by local, State and federal regulations.
- J.

A written agreement to submit written proof to the Airport Manager of all gross receipts at the time payment is due, accompanied by a statement certified by an officer of the company attesting to the accuracy of payments due the City.

- K. A written agreement to authorize the City, its agents or employees, to audit all of applicant's business records and accounts and to make said records and accounts available.
- L. A written agreement that vehicles will stop or wait on Airport property only while in the process of waiting for, loading and unloading customers with bona fide reservations. Upon request by an authorized representative of the City, the driver of a vehicle (or company personnel who may accompany the driver) shall provide said representative the name of such reserved customers and other information applicable to the reservation. Drivers of vehicles (or company personnel who may accompany the driver) shall be prohibited from solicitation of business in any manner whatsoever upon the Airport. The operation of vehicles will be specifically limited to the picking up and delivery of reserved customers.
- M. A written agreement to park only in the parking and pick up area designated by the Airport Manager.
- N. A written agreement to indemnify and hold harmless the City, its officers, employees, boards and commissions, from any and all claims whatsoever related to the commercial use permit and proof of insurance for such contractual liability.

(Ord. C-7934 § 24, 2004; Ord. C-6508 § 1 (part), 1988)

16.47.040 - Limitations of permit.

A commercial use permit will permit the business to pick up customers at the terminal in a designated and signed van, or other motor vehicle, but no nontenant rental car business shall operate more than two (2) designated motor vehicles on Airport property at the same time when both vehicles are needed to pick up or deliver customers to the Airport. Such businesses may have more than two (2) vehicles on Airport property at the same time if a need therefor is demonstrated to the Airport Manager and the Airport Manager grants prior written permission therefor to such business.

(Ord. C-6508 § 1 (part), 1988)

16.47.050 - Prohibition of activities on Airport property.

A commercial use permit shall not permit such business to rent motor vehicles on Airport property, to have an office or station on Airport property, to park rental cars on Airport property, or to operate rental cars on airport property; and all of these actions and activities are expressly prohibited.

(Ord. C-6508 § 1 (part), 1988)

16.47.060 - Revocation of permit.

A commercial use permit may be revoked by the City for cause at a public hearing before the Airport Manager upon five (5) days notice. "Cause" includes, but is not limited to, a breach of any of the agreements herein, including a failure to make timely payments, violation of City standards or regulations, violation of the laws of the federal government or of the laws of any State, and any other act or omission of the permittee adversely affecting Airport business operations or posing a danger to the public health, safety or welfare. "Cause" also includes financial insolvency or instability, moral turpitude and the lack of good character. In the event a permit is revoked, all sums owed the City shall immediately become due and payable, and no fees or charges shall be refundable by the City. A commercial use permit may, likewise, be denied for a cause similar to that for which it could be revoked. In addition, a commercial use

permit may be denied or revoked when, in the opinion of the City, such action is necessary to protect the public health, safety or welfare, or to preserve the financial welfare of the Airport. In the event the permit is denied, the applicant shall be given written notice of the reasons and shall have the right to a hearing before the Airport Manager.

(Ord. C-6508 § 1 (part), 1988)

16.47.070 - Processing fees.

There shall be a charge of one hundred dollars (\$100.00) payable in advance to defray administrative costs of a permit request for each permit. This cost is not refundable in the event the permit application is rejected or in the event the permit is revoked.

(Ord. C-6508 § 1 (part), 1988)

CHAPTER 16.48 - CEMETERY

16.48.010 - Name.

The property owned, held, controlled, and managed by the City for cemetery purposes shall be known as the Long Beach Cemetery.

(Prior code § 7440)

16.48.020 - Operation regulations.

The management, operation, upkeep and control of the cemetery shall be under the joint direction of the Director of Parks and the City Engineer, subject to the provisions of the laws of the State relating to burials, the Charter of the City and this Chapter. The Director of Parks shall supervise the digging of all graves and the interments therein, and shall have charge of sodding, grading and seeding thereof. No interment of any body shall be permitted unless it is accompanied by a burial or cremation permit issued pursuant to the laws of the State, and from the effective date of the ordinance codified in this Chapter, no monuments or tombs shall be placed in the cemetery. All grave markers shall be of a flat type and placed at lawn or ground level, except that a marker may be established on a grave in any lot, half lot or quarter lot, which marker is essentially a duplication in design of any marker established on the lot, half lot or quarter lot on or prior to November 14, 1943. No other improvements shall be placed in the cemetery without the written consent of the Director of Parks. Upon being presented with any permit in connection with the burial of any body or the ashes thereof, the Director of Parks or his representative shall sign the same, endorse upon it the date of interment, and transmit the permit, so endorsed, to the Health Officer of the City within ten (10) days from the date of interment. He shall also keep a record which shall contain a complete account of all interments that take place in the cemetery, a description of the particular grave, the name, age, color and sex of the person interred, and the date thereof.

(Prior code § 7440.1)

16.48.030 - Official map.

That certain map designated as Map No. E45, prepared and filed in the office of the City Engineer on January 13, 1936, approved by the Council on October 10, 1939, and recorded on October 13, 1939, in the office of the County Recorder of Los Angeles County, as Map No. 814-R, constitutes the Official Map of the Long Beach Cemetery. A copy thereof shall be kept on file at the cemetery for inspection by any person interested therein. The map may be amended from time to time by resolution of the Council.

(Prior code § 7440.2)

16.48.040 - Use of lots restricted.

No lot or part thereof within the boundaries of the Long Beach Cemetery shall be used for any other purpose than the interment of the human dead, and all owners of such lots or parts of lots are subject to the provisions of all applicable laws of the State, this Chapter, and to such rules, conditions, limitations, regulations, and ordinances or amendments to ordinances as the Council may from time to time make or adopt for the government, improvement and embellishment of the cemetery.

(Prior code § 7440.4)

16.48.050 - Burials and removals.

All graves shall be opened and closed under the supervision of the Director of Parks and shall not be less than five feet (5') in depth. Only one (1) interment shall be allowed in a single grave, except in case of a mother and infant child, or twin children, or two (2) children buried at the same time. All interments in lots or parts of lots shall be restricted to members of the family or relations of the owners thereof, except by written consent of the owner and written consent of the City Engineer, such consent to be filed in the office of the City Engineer, and owners of lots or parts of lots shall not allow interments to be made therein for remuneration, nor shall they sell any lot or part thereof in the cemetery without the written consent of the City Engineer. Terms of sale of lots or parts of lots shall be cash, and no lot or part of lot shall be regarded as sold until fully paid for. If parties make interments before paying in full for their lots, the City reserves the right to remove the bodies to the single grave allotment provided for in this Chapter, and to sell the lot or part thereof to other parties, and no sale or transfer of a burial lot or part thereof shall be valid until the same has been recorded in the office of the City Engineer in a book kept for that purpose and a fee as determined by the City Council by resolution is paid. No interment, disinterment or removal shall be made in the cemetery without an application being first made to the City Engineer, together with the required fees therefor, and no body shall be taken from the cemetery without a permit for disinterment and removal required by the laws of the State. The City Engineer shall keep an accurate record of all removals made.

(ORD-10-0014, § 25, 2010; Prior code § 7440.5)

16.48.060 - Fees.

In addition to any other charges, charges for the following activities shall be set by resolution of the City Council:

- A. For opening graves for any purpose;
- B. For burial of ashes in a container approved by the Director of Public Works and supplied by the person in charge of such burial; and
- C. Any other fees deemed necessary.

All burial boxes involved shall be made with cement which shall first be approved by the Director of Public Works, such boxes to be furnished by the person in charge of the burial.

(Ord. C-5807 § 1, 1982; prior code § 7440.6)

16.48.070 - Single grave allotment and indigent burials.

A portion of the cemetery grounds shall be set aside as a single grave allotment, and another portion thereof shall be set aside for free burial of the remains of such persons who have no relatives, nor friends who are legally liable for the costs of the burial under the laws of the State, and who were indigent at the time of their demise. A permit for burial in the free burial ground shall only be issued in proper cases, after an investigation by the City Engineer and a determination that the free burial is warranted.

(Prior code § 7440.7)

16.48.080 - Prohibited acts.

- A. No person shall enter the cemetery with any dog or other animal, carry any firearms upon his person, or enter the grounds of the cemetery at any time between one-half (½) hour after sunset and one-half (½) hour before sunrise without the written permission of the Director of Parks. No children shall be

admitted unless accompanied by some adult person who shall be responsible for their conduct.

- B. All persons engaged in the placing of grave markers or other structures are expressly prohibited from scattering materials on adjoining lot or walks, or leaving the same on the grounds any longer than is necessary for the completion of the work, and such persons must obey the directions of the Director of Parks in connection therewith.

(Prior code § 7440.8)

CHAPTER 16.52 - HISTORIC LANDMARKS

16.52.010 - Jergins Trust Building, Pacific Coast Club, Villa Riviera, First Congregational Church, Rancho Los Alamitos and Rancho Los Cerritos.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as historical landmarks in the City:

A. The Jergins Trust Building.

1. Location, description and reasons for designation. Located at 120 East Ocean Boulevard, the structure, known first as the Markwell Building, was started in 1917 and the first six (6) floors were completed in 1919. It received its present name when the Jergins Oil Company bought it, after which the remaining floors were added in 1929. It served various purposes during the years, housing offices of Standard Oil, a theater, several stores, municipal and superior courts, law offices and departments of municipal and County governments. It was frequently sold and resold, its leases sought until conditions in the 1950s made them less desirable. Yet the building has served as a Long Beach landmark, offering with its companion on the other side of the intersection a grand view looking down Pine Avenue toward the ocean. Its share in the history of Long Beach has been considerable, for historic cases have been discussed there, and won or lost in its courts, and business transactions have been consummated within its offices influencing the fate of Long Beach.
2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

The Committee would resist any changes in the exterior facade of the Jergins Trust that would interfere with the colorful "cake-like" art stone carvings that appear on the top floors of the building. We understand and were in agreement with the removal of the State Theatre marquee in that the present owners of the building are endeavoring to find a new use for that area of the structure. Cognizant of the problems for finding a new use for theaters, the Committee is aware that the owners hope to attract a banking facility within this area of the building. The Committee found upon a field trip to the site that the original arcade below the building is in excellent condition and would resist any attempt to do away with it; we would like to see the arcade reopened and used as it was originally used as a market center and boutique alley. We would like the paneling in the upstairs law offices preserved should the present lessees leave (though that is doubtful). We further recommend that the penthouse terrace be restored and used as an attraction to the building. We are interested in meeting the present owners and encouraging them in any restoration efforts.

B. The Pacific Coast Club.

1. Location, Description and Reasons for Designation. Located at 850 East Ocean Boulevard, the Club was founded in 1923, with the merger of the Petroleum Club and the Coast Athletic Club. Groundbreaking for a building started on June 9, 1925, and the cornerstone was laid on September 4, 1926; the Club was formally opened on October 26, 1926. The architects were Curlett and Beelman, although several individuals were involved with the structure and its decor. The Grand Hall with its decorations, the chandelier and the library were notable

features. It was built by C. T. McGrew & Sons Construction Company with one son a charter member. The same company built the Press Telegram Building. At the dedication, President David Smith officially opened the club for hundreds of charter members, but he resigned within the year and the facility was conveyed to the Los Angeles Athletic Club in 1928. In 1961, the building was turned over to the Pacific Coast Club, Inc., with a new president, Wayne Ferrell, but seven (7) months later the club was bankrupt. The building survived the earthquake with but a few cracks and survived vandalism and time to presently represent a monument to an era and a glory of the City of Long Beach.

2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

The Committee strongly urges that every attempt be made to restore the Pacific Coast Club to its former grandeur, preserving the exterior, removing the existing white grill work which distracts from the beauty of the structure and eventually allowing for more parking in the rear of the property so that the building may enjoy maximum use. We would not oppose underground parking or an attractive structure above ground. We would like the health facilities maintained, the swimming pool restored and the beach area utilized as it once was by club members. We would encourage multi-use for the building, including a health club, business offices, apartments and restaurants. In line with these recommendations, we would like to see the Grand Hall decorations restored, the chandelier and library restored and all other decorative detailing that made this building so outstanding. Although we have not been able to gain access to the building, we understand that it is not beyond restoration, so we will encourage all efforts in that respect and will expect to be consulted on all architectural designs, inner structural changes and any exterior changes. We would urge that the building be public in spirit for all to enjoy.

C. The Villa Riviera.

1. Location, Description and Reasons for Designation. Located at 800 East Ocean Boulevard, the Villa Riviera Hotel was constructed in 1929, second in height at that time only to the Los Angeles City Hall. Architect Richard D. King won a grand prize at an international contest for the design of the sixteen-story building. Its costs of construction were over two million dollars (\$2,000,000.00), at that time a large sum in building expenditures. Its architecture savors of the majestic Tudor Gothic, with a marked resemblance to the Italian and French Renaissance, all blended into a composite grace of line that overshadows any single decorative detail. At one time, Joseph M. Schenck of Twentieth Century-Fox and Norma Talmadge, then his wife, owned the hotel. It survived the earthquake with only plaster cracks which were easily repaired. With its height and its command of a view over the ocean to Catalina and over the City, the Villa Riviera is an eye-catching object for Long Beach.
2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

The exterior of this building should be maintained at any cost! The gargoyles, intricate art stone carvings and other outer decorations should be reinforced should they show signs of weakening. Any exterior painting or reroofing should be done only after Committee approval as to color and material. We would encourage the present color tones and would discourage a change of color for this towering pillar which stands as a gateway to the Ocean Boulevard scenic route currently in the planning process. Since the apartments are privately owned, the Committee will not make any recommendations beyond preserving the lobby, its fixtures and decorations.

D. The First Congregational Church.

1. Location, Description and Reasons for Designation. Located at Third Street and Cedar Avenue, the church was built in 1914 by C. T. McGrew of Long Beach; the architectural design was by H. M. Patterson of Los Angeles. Its brick exterior is Italian Renaissance and its interior is noteworthy for its stained glass, paneling and wooden beams. It has been a landmark of Long Beach since the 1920s and a scene of notable social and cultural events. It has served as a memorial to Mr. and Mrs. Bixby who were so important for its construction and to Long Beach. The Italian Renaissance style conforms meaningfully with the contemporary surroundings of new structures. Although later additions and alterations have been made, these have been kept in close relation to the original style. It withstood the 1933 earthquake well; recent changes in building code regulations have forced the congregation to agree to the demolition of the educational facility and to construct new quarters. In all, the church itself as a cultural and social institution, the integrity of its architecture and decor, and its place in the City merits preservation as a landmark.
2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

The Committee is aware that further interior changes are in order for this church so that it may present building code requirements. Regretfully, we understand that the existing stairwells - mahogany - will have to be replaced or covered. We would urge that the Planning and Building Department once more consider this recommendation in that we are aware that in some instances exceptions have been made for historical buildings. We feel the church has done an outstanding job in its own preservation effort. e.g., utilizing Pilgrim Hall materials in new construction. We would like to work with Dr. David Reed and his committee in any new restoration efforts in line with a new building presently under consideration adjacent to the church building. Our purpose here is only advisory and with the intent of offering any service we might have that would benefit the church. We would not like to see any further structural changes either in the outside or interior of the building.

E. Rancho Los Alamitos.

1. Location, Description and Reasons for Designation. Located at 6400 East Bixby Hills Road, situated on the prehistoric Indian village site, known as Puvung-na, Rancho Los Alamitos is an excellent example of a late nineteenth century working ranch. The adobe walls, constructed by Juan Jose Nieto in 1806, serve as the interior foundation of the present day ranch home. Rancher Don Abel Stearns added a wing to the adobe home in 1842, to serve as his vaqueros' bunkhouse. After John Bixby became owner, this wing was converted to use as kitchen and servants' quarters. The last additions to the ranch house were made by his son, Fred Bixby, in 1925. In addition to its extensive gardens, buildings surrounding the house include horse barns, a working blacksmith shop, cow feeding and milking barns, chuck wagon, and many items of machinery, used in turn-of-the-century farming. This house is one of the few remaining structures in Southern California which began its existence during the Spanish colonial days. Its heritage represents the Spanish, Mexican and American eras of California history.
2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

Located in the heart of one of the City's most prestigious residential areas, Bixby Hill, Rancho Los Alamitos lies nestled amidst seven and one-half (7½) acres of gardens and outer buildings that were part of its early life as a working ranch. The last additions were made to the house in 1925: none have taken place since. Every effort has been made to restore the interior dwelling to reflect life as it was when the Bixby family occupied the ranch house. The Committee favors retention of the existing seven (7) acres of land to perpetuate the life of the site, to continue the upkeep of the existing gardens for tourists, to encourage tours of the outer buildings as an educational resource and to maintain the existing structure as an example of early ranch life in California. We would not anticipate further structural changes nor would we recommend them at this juncture. Should a necessity arise for alteration, the Committee would like to be consulted before any changes take place.

F. Rancho Los Cerritos.

1. Location, Description and Reasons for Designation. Located at 4600 Virginia Road, the Rancho's history represents the Mexican and early American period of Long Beach history. It was the site of a Tibahangna Indian village where Manuel Neito constructed ranch quarters for the original 167,000 acre land grant from Governor Pedro Fages in 1784. In 1843, Jonathan Temple purchased the 27,000 acre Rancho Los Cerritos from the Neito heirs. In the early 1860s, severe droughts and floods decimated the operation of the Rancho and Temple sold it to the Flint Bixby and Company in 1866 for \$20,000 in gold. Jonathan Bixby, Llewellyn's brother, managed the ranch until 1881 and the old adobe remained empty until 1931. In 1929, Llewellyn Bixby, Jr., nephew of Jonathan, purchased the ranch house and grounds around it and completed a massive renovation in 1931. In 1954, the City assumed responsibility for its preservation. The ranch is one of the few remaining examples of the early California Monterey Colonial Style, and its ownership history represents the development of the area from its earliest origins to the present.
2. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

Almost hidden from view at the end of a long, curving road, Rancho Los Cerritos and its beautiful hacienda and porch can be seen through the gate near the parking entryway in the heart of the Virginia Country Club residential district. The Committee recommends that the gardens and grounds of the Rancho be continually maintained as a strolling area for tourists and those persons who work at the Rancho itself. We recommend that the terraces and rear courtyards be upgraded since they are primarily walking areas, e.g., the brick walkways be maintained and the grass around the fountain area cared for. Regarding the interior, we would resist any structural changes, encouraging rather the maintenance of the beautiful floors, beam ceilings and library. The outer rooms around the courtyard are excellent historical areas offering a look at a world long gone. We would encourage preservation of the exhibit materials and would, of course, oppose any outer structural changes, e.g., roof materials, unless consulted as to the necessity thereof.

(Ord. C-5479 § 1, 1979)

16.52.020 - Cooper Arms Apartments.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City:

The Cooper Arms Apartments.

A. Location, Description and Reasons for Designation. Long Beach entered upon the "million-dollar-a-month" building era in 1921. By 1923, that figure had doubled. That year construction commenced on the Cooper Arms Apartments, one of several skyscraper apartment houses that changed the skyline of Long Beach from a quiet village to that of a metropolitan City.

Located at 455 East Ocean Boulevard, the twelve-story own-your-own, comprising one hundred fifty (150) apartments, was built of reinforced concrete and tile upon a lot that measured one hundred by two hundred two feet (202'), allowing space for a garden that was the size of a regular City lot.

The property was owned by Larkin Cooper whose home and guest house once graced the present day site of the Fidelity Federal Plaza. Cooper gathered together the most prominent business figures of Long Beach to manage the Cooper Arms project. Among them, Nelson McCook, president and founder of the California National Bank; Colonel Walter J. Horne, partner in Van Lester & Horne, a real estate firm that developed downtown business blocks and residences; Vat Lester, Horne's partner whose successful real estate methods earned him the pseudonym "The Bungalow Merchant;" William Prisk, founder of the Independent Press Telegram; Dr. W. Harriman Jones, surgeon and Director of the City National Building Company, and many others.

Their goal was to build the most luxurious cooperative apartment house in Long Beach. Early testimonials indicate they succeeded, comparing the Cooper Arms to the Biltmore in downtown Los Angeles and the Huntington Hotel in Pasadena.

The project was the sixth cooperative apartment house in Long Beach. Prices ranged from three thousand eight hundred dollars (\$3,800.00) to seventeen thousand dollars (\$17,000.00) per unit. The complex offered its tenants a wide variety of amenities: A Spanish loggia, domed ballroom and solarium atop the roof including a glass enclosed cafe; imported Italian terraza floors in the lobby and drawing room/lounge; art deco paneling, bronze doors and a number of other fine interior architectural details which enhanced the lobby and hallways. The basement provided receiving and storage rooms with individual trunk rooms; showers, lockers, dressing rooms and baths for bathers; billiard, smoking and recreation rooms were provided as was a driveway for autos at the rear of the building.

Exterior architectural features such as curved casement windows, columned balconies and carved artstone scrolls along the roofline all contribute to the art deco styling of the 1920s, so prevalent to Long Beach.

The Cooper Arms' historic associations lie in its status as one of the first cooperative ventures in apartment house living in the West; its relationship to the prominent businessmen of the day, and its value as an example of 1920s architecture in both its outer facade and interior detailing. Its twelve-story facade, as noted earlier, played a significant part in the changing face of Long Beach. The building's early days were distinguished by a lifestyle that once thrived in Long Beach and which may one day return. In that regard, the Cooper Arms is unique.

The obvious care and sense of responsibility of the owners of this building, those persons who own their apartments, is reflected throughout the structure in its orderly appearance and in the exceedingly expensive effort now being undertaken to bring the building up to meet Long Beach building codes.

- B. General Guidelines and Standards for any Changes. The following guidelines and standards recommended by the Cultural Heritage Commission are adopted:

This twelve-story building is in remarkably fine condition. The building should remain intact, its interiors preserved, its first floor lounge/drawing room be carefully preserved to ensure the beautiful art deco decorations, and efforts be made to maintain the bronze elevator doors, marble floors, brass fittings and fixtures and graceful casement windows that are found throughout the interior building.

The garden already in good repair, should continue as a green area, since it is an outstanding feature of the building, almost an architectural detail in itself.

(Ord. C-5523 § 1, 1979)

16.52.030 - Drake Park/Willmore City Historic Landmark District.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the area known as Drake Park/Willmore City as a Historic Landmark District. The boundaries of the Drake Park/Willmore City Historic District are as follows:

- A. North. From Park Court one hundred feet (100') south of Anaheim Street, continuing west to the west side of the parcel at 1249 Loma Vista Drive; crossing to the south side of Loma Vista Drive at Virginia Court; continuing west to the property located at 1191 Loma Vista; then crossing to the north side of Loma Vista Drive to the railroad right-of-way and continuing west; then going south on the western side of the property located at 1077 Loma Vista to the north side of Loma Vista Drive.

West. Continuing south and curving around Loma Vista Drive to Oro Court; south on Oro Court to Seventh Street; east on Seventh Street to Magnolia Avenue; south on Magnolia Avenue to Fifth Street; west on Fifth Street to Crystal Court; north on Crystal Court to Sixth Street; west on Sixth Street to Nylic Court; south on Nylic Court to Fifth Street; east on Fifth Street to Daisy Avenue; south on Daisy Avenue for fifty feet (50'); then east to Crystal Court; south on Crystal Court to the north side of Fourth Street.

South. The north side of Fourth Street from Crystal Court to Magnolia Avenue; then south to fifty feet (50') south of the south side of Fourth Street (at the southern boundary of 356 Magnolia Avenue); then east to Cedar Avenue.

East. From fifty feet (50') south of Fourth Street, north on Cedar Avenue to Fifth Street; then east to Park Court; continuing north on Park Court to one hundred feet (100') south of Anaheim.

- B. The complete location, description and reasons for historic landmark district designation are more fully contained in uncoded Section 2 of Ordinance No. C-7538.

(Ord. C-7538 § 1, 1998: Ord. C-5928 § 1, 1982: Ord. C-5566 § 1, 1980)

16.52.040 - Long Beach Community Hospital.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City:

The Long Beach Community Hospital.

- A.

Location, Description and Reasons for Designation. Located at 1720 Termino Avenue, the Long Beach Community Hospital first opened its doors to the public on July 15, 1924, and has since remained open twenty-four (24) hours a day, every day, at the same location.

Community's existence is due to the efforts of concerned citizens who saw the need for a nonprofit hospital serving the eastern section of the City. A public fund drive, a grant of civic funds and a one dollar a month lease of City property culminated in the construction of the Spanish Colonial style building. The site chosen was a hill surrounded by farmland located at that time on the outskirts of Long Beach.

During the first five (5) years of its existence, the one hundred twenty-five bed hospital was plagued with financial problems. Fillmore Condit, hospital founder and the first president of the Board of Trustees, frequently accompanied the Administrator to the bank to make up the payroll from his own funds. During his lifetime Mr. Condit (who also served a term as the City's Mayor) donated more than one hundred thousand dollars (\$100,000.00) to Community Hospital.

At 5:55 p.m., March 10, 1933, Long Beach was shaken by an earthquake with a magnitude of 6.3 on the Richter scale. Under the guidance of Sarah A. Ruddy, RN, Hospital Administrator, Long Beach Community Hospital continued to serve the community, without lights, telephone service, water or heat, in tents on the hospital grounds. A total of one hundred twenty-five injured were treated the first night, ninety (90) of them hospitalized. Damage to the hospital was so slight that patients were back in the hospital within twenty-four (24) hours. An emergency clinic, set up for twenty-four (24) hours a day the next ten (10) days, treated more than five hundred (500) patients who were casualties of the quake.

In 1958 the unique Hatfield Unit with its garden views was created and named after Howard Hatfield, the Administrator of that decade. With fifty (50) beds it was the first convalescent unit ever built within the confines of a nonprofit private institution in California.

Following the population explosion of the 1950s, the community of Long Beach rallied to raise funds for local hospitals. As the direct result of the local bond issue, Community Hospital dedicated a new east wing in 1959 under the administration of Walter Oliver. A total of one hundred forty-eight (148) beds and thirty-four (34) bassinets were added bringing the licensed capacity to today's three hundred (300) beds.

Today the two-story and basement structure of the original 1924 building contains the main entrance to the hospital and fairly well conceals the 1959 addition. A landscaped courtyard is entered through an arcade. Arcades also flank each side of the courtyard. A fountain, flowers and trees add to the historic scene created by stuccoed walls and red tile roofs.

Despite work done in 1958 bringing the building up to the then existing structural codes, Community Hospital is today involved in a major reconstruction project to bring the building up to current, more stringent codes. An investment of an estimated twelve and one-half million dollars (\$12,500,000.00) for a new emergency department and restructuring of the original building must be made.

Structural reinforcement requires a unique design solution involving slant-drilled underpinning, shear walls, chasing exterior walls, and guniting. These efforts mean that Community Hospital will retain the distinction of being the only Long Beach hospital to operate from its original structure.

2. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Feb. 1978) are incorporated by reference.

The following guidelines and standards recommended by the Cultural Heritage Commission are adopted:

Exterior. The Termino Avenue facade is the special architectural importance of this building and therefore should be preserved. A certificate of appropriateness shall be granted for changes delineated on the construction drawings stamped by the State Department of Health Facilities Planning on February 1, 1979, and for normal maintenance and enhancement of the facade for the purposes of preservation and addition of architectural detail in keeping with the Spanish architecture.

Proposed changes to the other elevations of this structure shall be granted a certificate of appropriateness only if the changes would be in keeping with the architectural style and design and color motifs of the building.

(Ord. C-5647 § 1, 1980)

16.52.050 - Scottish Rite Cathedral.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City:

Scottish Rite Cathedral.

- A. Location, Description and Reasons for Designation. Location: 855 Elm Avenue. In 1924 Aubrey Rivers Parks announced his dream and plan for the Scottish Rite Temple. The Scottish Rite Bodies were to have their own home at the northwestern corner of Ninth Street and Elm Avenue.

The building was completed in August 1926 at the cost of five hundred thousand dollars (\$500,000.00), including original furnishings and equipment. The fully air conditioned Long Beach Scottish Rite Cathedral contains forty thousand eight hundred (40,800) square feet of floor space, a new fifty thousand dollar (\$50,000.00) pipe organ and portable console, twenty-seven (27) stage sets and ninety-seven (97) drops valued at three hundred fifty thousand dollars (\$350,000.00), stage lighting, closed circuit television and sound system in the Sanctuary. This landmark is a place for higher Masonic learning and attracts many instructors.

2. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Feb. 1978) are incorporated by reference.

The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

Exterior. The Elm Avenue facade is the special architectural statement of this building and therefore should be preserved. Normal maintenance of the facade for purposes of preservation shall receive a certificate of appropriateness. Any proposed alterations, remodeling or modernization of

the Elm Avenue facade, however, shall be granted a certificate of appropriateness only for public safety reasons after adequate investigation has been made of alternate methods of correcting the safety hazards.

Proposed changes to the other three (3) elevations of this structure shall be granted a certificate of appropriateness only if the changes would be in keeping with the architectural style and design and color motifs of the building.

Interior. Two (2) interior spaces have extraordinary design importance and contribute significantly to the building as a cultural resource. The spaces are the entrance lobby and the main auditorium. These are richly decorated with hand-painted wall and ceiling designs which should be preserved. Certificates of appropriateness should be issued for normal maintenance of these spaces, including the wall and ceiling decorations, for the purposes of preservation in their present form.

Proposals for renovation, remodeling, or otherwise changing these spaces, including painting over the wall and ceiling decorations, shall not be granted a certificate of appropriateness except for public safety reasons.

(Ord. C-5648 § 1, 1980)

16.52.060 - Insurance Exchange Building.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City:

Insurance Exchange Building.

- A. Location, Description and Reasons for Designation. Located at 205 East Broadway, this architecturally significant building was constructed at a cost of four hundred thousand dollars (\$400,000.00) during the Long Beach building boom of the 1920s. It is art deco in style with noteworthy use of ornamental plaster and tile work.

Way and Lorne Middough, prominent businessmen and civic leaders from 1919 until their deaths in 1966 and 1963 respectively, commenced construction in late 1923. Their shop, "The Boys Shop," at 126 West Broadway was too small for their purposes. The original plan was to build a two-story structure to accommodate their needs. They were asked to raise the height to eight (8) stories to accommodate the small claims and superior courts. This they did.

The bas-relief, originally around the entire front of the structure, featured children's sports scenes. The tiles and friezes along the architectural lines of the building complements the basreliefs. Three and three-fourths (3¾) of these scenes remain as original. The Middough brothers were actively involved for boys and their needs. A gymnasium was included in the building because of this concern for boys and their love of sports.

The building was completed in 1925. It was featured in newspaper articles and magazine supplements in the 1920s and 1930s as one of the outstanding new landmark buildings of downtown Long Beach.

The courts moved to the Jergins Trust Building when the two (2) additional floors were added to that building in the late 1920s. Without a guaranteed income for the building, the financial problems of the 1929 crash made it necessary to sell the building.

In 1931 the building was sold to Wayne H. Fisher, a Los Angeles developer. From this time on the building became known as the Insurance and Exchange Building.

In 1932 the name of the Boys Shop was changed to Middough Meier and was operated by Way Middough and R. Troy Meier.

During the war, the building was used as a mess hall for the Armed Forces.

The present owner of the building, Mr. James Compton, purchased the building in 1965.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Feb. 1978) are incorporated by reference.

The following guidelines and standards recommended by the Cultural Heritage Committee are adopted:

Exterior. The facade and art deco style and ornamentation are the architectural importance of the building. The remaining bas-relief scenes should be preserved, the ornamental tiles, columns and friezes should be preserved. Normal maintenance of the facade for purposes of preservation shall receive a certificate of appropriateness.

Interior. The entrance lobby to 205 East Broadway is significant in its art deco designs. These designs should be retained and preserved. Certificates of appropriateness should be issued for normal maintenance of this space, including the wall, floor and ceiling designs, for the purposes of preservation in their present form.

The columns and decoration and ceiling designs on the second floor should be preserved. A certificate of appropriateness should be issued for normal maintenance of these columns and ceiling designs for purposes of preservation.

(Ord. C-5649 § 1, 1980)

16.52.070 - Recreation Park golf course clubhouse.

Pursuant to the provisions of Chapter 2.63, and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City:

Recreation Park Golf Course Clubhouse.

- A. Location. Description and Reasons for Designation. Located at 5000 East Anaheim Street, the Recreation Park golf course clubhouse is one of the few civic buildings remaining and represents the only recreation building constructed prior to 1933. The total area, including golf courses and Recreation Park, was purchased from the Alamitos Land Company (two hundred sixty (260) acres) and the San Gabriel River Improvement Company (one hundred forty (140) acres) with a bond issue of nine hundred thousand dollars (\$900,000.00) in 1923. Earlier a golf course existed on the site, and that club became the Virginia Country Club with the termination of the lease. A clubhouse was constructed in 1925 which was moved across Seventh Street to become the clubhouse for the new nine-hole course constructed in 1929. The present Recreation Park golf course clubhouse was constructed in 1929 for a cost of fifty thousand dollars (\$50,000.00).

In 1925 the course held an annual open which continued until suspended during the Depression (and also in World War II). Winners of the Long Beach Open included: Bill Mellhorn, Lee Diegel, Tommy Armour, James Kirkwood, Walter Hagen and Olin Dutra. Associated with the clubhouse are many festivities related to the course and to civic events. A large room was used for dances and social events which is currently in excellent condition, except that the gas jets have been removed from the fireplace.

The golf course was reconstructed in 1935, dedicated in May, which conforms roughly to its present configuration. It became a longer course (six thousand five hundred (6,500) yards, par seventy-two (72)) and more fitting for PGA play.

The club was under the Long Beach Recreation Commission from the formation of this body in 1929 until after World War II when there was a reorganization. The chairman of this Commission for many years was an outstanding civic leader, Clyde Doyle; and prominent individuals have been members of the Commission during the years. Clyde Doyle was a Long Beach Attorney with considerable influence in civic affairs and development.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Feb. 1978) are incorporated by reference as guidelines.

The following guidelines and standards recommended by the Cultural Heritage Committee are adopted as guidelines:

The clubhouse's exterior should be preserved as present which conforms to the original design of 1929. Particular emphasis is placed on the preservation of the veranda and its colonial style decor and the present color. The adjoining starter's building may be changed without affecting the main structure since it was an addition. Other buildings, if necessary, can be constructed, but if attached or closely proximate, should conform to the original design.

The interior portions of the clubhouse may be modified to suit lessors or the Park Department with the exception of the main dining/social room where the beam ceilings and the fireplace must be preserved and restored to their original purpose and redesigned and enlarged. Both the men's and women's locker rooms and showers can be redesigned and refurbished to provide more suitable service; this work can be done without disturbing the original design.

Other portions of the interior can be modified: restaurant, pro shop and the second floor facilities.

In addition to those items mentioned above, colonnades, beams, decoration on the exterior, brick porch, cables with decoration, and window appearance should be preserved.

(Ord. C-5652 § 1, 1980)

16.52.080 - The Bembridge House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: The Bembridge House which was constructed between 1904-1906 and is located at 953 Park Circle, Long Beach.

- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodified Section 2 of Ordinance No. C-7675.

(Ord. C-7675 § 1, 2000; Ord. C-5653 § 1, 1980)

16.52.090 - Cherry Avenue Lifeguard Station.

- A. Location, Description and Reasons for Designation. Located on the beach at the foot of Cherry Avenue, this lifeguard station is a most charming landmark for the many beach goers and inhabitants of the bluff top neighborhood that parallels the seashore. Resting on a raised foundation that is functional for the storing of equipment for saving lives (dories, paddle boards, power boats, etc.), the two and a half (2½) story clapboard structure is basically rectangular in shape. The hexagonal lookout and clock tower rests above a low pitch Spanish gable roof. The east and west facades are distinguished by the shiplike portholes, catwalks, and entrance ramp that leads to the station's working quarters.

The Cherry Avenue Lifeguard Station was first constructed at the foot of Linden Avenue to replace the Lifeguard Headquarters that was washed away along with the Pine Avenue pier during a bad storm. It was moved to Cherry Avenue in 1961 (est.). It was designated and built by the City in 1938. It represents the beach style of the 1930s better than any remaining public structure in the City. The bottom floor of the building will be used as a lifeguard service museum.

The Long Beach Lifeguard Service is the oldest City-owned service of this type on the west coast. It was the first service to operate a power boat in their operations, use a radio communication system, use dories and torpedo cons, and bring water safety instruction to the classroom. Many memorabilia will be displayed in the Cherry Avenue Lifeguard Station Historic Landmark.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

The Cherry Avenue Lifeguard Headquarters Building shall be restored in the manner portrayed on drawings numbered B-3140 in the files of the Long Beach Department of Public Works. Future maintenance of the structure which is found to be in keeping with the architectural style illustrated on these drawings shall receive a certificate of appropriateness from the Cultural Heritage Committee.

The bottom floor of the structure shall be used for public display of memorabilia of the Long Beach Lifeguard Service. Organization and maintenance of the displays shall be the responsibility of others and periodic changes thereto shall not require a certificate of appropriateness. Abandonment of the displays or conversion of the display area to other uses, if proposed in the future, shall require a certificate of appropriateness.

Future changes to the related feature (auxiliary building) shall also conform to the architectural style of the main building.

(Ord. C-5726 § 1, 1981)

16.52.100 - William Benjamin Dearborn Simmons Tracker Pipe Organ.

- A. Location, Description and Reasons for Designation. Located within the Los Altos United Methodist Church at 5950 Willow Street in the City, this organ arrived in San Francisco on the heels of the Gold Rush days. It has State-wide significance in that historians believe it to be the oldest Tracker-type

church instrument extant west of the Mississippi. It was first played in 1852 after its journey around the Horn in a clipper ship. It was built in Boston, Massachusetts. It served in two (2) locations in San Francisco, survived the 1906 earthquake and is of such quality of construction that there is every reason to believe it can be played for another one hundred thirty (130) years or more. With such a past as well as this hope for the future, it brings significance to Long Beach. In addition to its history, it had an illustrious builder. William Benjamin Dearborn Simmons of Boston had been apprenticed to Thomas Appelon, a noted organ builder, until 1845. He then formed his own company in partnership with Thomas McIntyre. Simmons died in 1876, aged 53. He is credited with bringing several European Stops to organ building in the United States. The premier recital of this restored organ commanded news items in forty (40) publications across the United States. It played to a full house and the audience included hundreds of organists. The Organ Historical Society has placed a plaque in the Sanctuary recognizing the organ as authentic and significant. Its place in history as an introduction of culture during the excessive era of the Gold Rush, its distinguished builder, its place as a classical specimen of its kind, its fine craftsmanship and promise for the future make it a valuable cultural landmark in our community and State.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:
1. That the color of the organ case and the building be maintained in their existing condition;
 2. That as soon as economically possible, the church provide a display case to house the memorabilia pertinent to the organ and its history. That this case should match the overall color scheme of the organ and the Sanctuary.

(Ord. C-5787 § 1(a), 1981)

16.52.110 - Dr. Rowan Building.

- A. Location, Description and Reasons for Designation. Located at 201-209 Pine Avenue in the City, the Rowan Building brought an example of Art Deco architecture to the City in a truly elegant manner. The extensive use of materials, pattern and livework made the structure a true showcase of the style originated by the Ecole de Beaux-Arts. Although other examples of this style exist on other highrise buildings in the area, none are found on a building of this scale or with the elaborate detailing and use of materials which were incorporated in this building. Located in the center of the commercial area of the City, this building originally afforded a home for Dr. Rowan (the father of Southern California credit dentistry), and for Nisley Shoes which was the "best women's shoe store in the area." It was less expensive to buy a new set of dentures than it was to purchase a pair of women's shoes at the exclusive Nisley's according to advertising which appeared in late 1930.
- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

The significance of this Art Deco building is important to the City because it portrays the environment in an era of history characterized by a distinctive architectural style.

The certificate of appropriateness shall be granted for changes delineated in the Environmental Impact Report number ERR-73-80, Negative Declaration ND-60-80, written by the City Planning Department, Environmental Division, June 18, 1981.

Normal maintenance of the facade shall preserve and/or enhance the Art Deco architecture.

Proposed changes to the exterior elevations of the structure shall be reviewed in accordance with the procedures set forth in Section 2.63.070 relating to the certificate of appropriateness.

(Ord. C-5787 § 1(b), 1981)

16.52.120 - Long Beach Municipal Auditorium Mural.

A. Location, Descriptions and Reasons for Designation. Located on Third Street at Locust Avenue, the height of the tile mosaic is thirty-seven feet (37'), nine and seven-eighths inches (97/8); width twenty-two feet (22'), eight inches (8"); area 802.40 square feet. The medium employed is brilliantly colored glazed semi-vitreous tile set in waterproof cement on a reinforced concrete wall. Exclusive of the narrow border, the largest size of tile in the great picture proper is thirteen-sixteenth inch (13/16) square by three-eighths inches (3/8) thick. The number of pieces of tile in the picture is estimated at more than four hundred sixty-six thousand (466,000). The weight of the tiles is approximately three thousand seventy-two (3,072) pounds. Thirty thousand (30,000) pounds of mortar and cement were used for backing and filling the grout lines between the tiles. The following account depicting the "recreational" theme of the mural is from a January 18, 1970 issue of Southland Sunday.

"It is a beach scene with boats sailing the blue ocean in the background and white clouds drifting overhead. On the sandy beach in the mid-area and on the green grass in the foreground are men, women and children enjoying other forms of Long Beach Recreation - surfing, swimming, sunbathing, fishing, picnicking, playing horseshoes, ball and croquet. A sailor and his young wife admire their baby. A speaker voices her opinion on the 'spit and argue' platform."

B. General Guidelines and Standards for Any Charges. The preservation of the Long Beach Mural shall follow the techniques and methods outlined in a report prepared by a consultant for the Redevelopment Agency in the City of Long Beach. The report deals specifically with the treatment, maintenance procedures, and repair of the tiles and grout holding the mural in place.

A copy of the report shall be kept on file in the office of Long Range Planning, Department of Planning and Building, 5th Floor, City Hall.

(Ord. C-5904 § 1, 1982)

16.52.130 - Heartwell/Lowe House.

A. Location, Description and Reasons for Designation.

The Heartwell/Lowe House is a Colonial Revival structure located at 2505 East 2nd Street, just outside of the Bluff Park Historic District. It was constructed in 1919.

This symmetrical two (2) story, two thousand three hundred sixty-six (2,366) square foot, Colonial Revival structure is rectangular in shape, has a low hip composition roof with a swept attic vent, and a header bond patterned chimney with sheet metal sheathing above the roof line. The exterior wall material is horizontal shiplap siding. The second story double hung windows are all one (1) and two (2) sash (the upper sashers are vertically divided with four (4) panes each). The lower story windows are plate glass on the front facade and single sash double hung windows on all of the other sides. The front recessed entry

is flanked by glass side panels (one (1) on each side) and is covered by an open porch supported by round columns. The open porch doubles as a widow's walk/sun deck trimmed by a delicate wood rail with decorative corner posts. The entry to this area is a french door with glass side panels. The structure rests on a concrete foundation. The back yard is defined by a brick wall connected to the detached garage with a five hundred thirty-two (532) square foot apartment over it. The dining room was enlarged in 1960 (rear).

In designating the Heartwell/Lowe House as an historic landmark, the following specific criteria have been found to exist in this structure:

It possesses a significant character, interest or value attributable to the development, heritage or cultural characteristics of the City, the southern California region, the State or the Nation or if it is associated with the life of a person significant in the past;

It embodies those distinguishing characteristics of an architectural-type or engineering specimen;

It is a part of or related to a distinctive area and should be developed or preserved according to a specific historical, cultural or architectural motif; and

It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristic.

B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978) are hereby incorporated by reference.

The following guidelines and standards recommended by the Cultural Heritage Committee are hereby adopted:

Landmark:	The Heartwell/Lowe House
Location:	2505 East 2nd Street
Construction Date:	1919
Architectural Type:	Colonial Revival

The following standards are intended "to protect, enhance and perpetuate" the above landmark established by the Cultural Heritage Committee per the Cultural Heritage Ordinance (No. C-5364) of the City of Long Beach.

The following standards and guidelines will deal with both the interior and exterior of the structure.

1. Exterior - The following features shall be preserved:

- The overall symmetry of the architectural style;
- The front porch, columns, and widow's walk/sun deck and decorative railing;

- c. The horizontal shiplap siding;
 - d. The chimney with its sheet metal sheathing;
 - e. The existing door and window shapes, sizes, materials, and placement; and
 - f. As well as the existing roof line, shape, and swept attic vent.
2. Interior - The following features shall be preserved:
- a. The hardwood stairway, doors, door frames, built-in cabinets, and any other hardwood "decorative" trim;
 - b. The existing bathroom fixtures and ceramic tile;
 - c. As well as the decorative fireplace in the living room.

Before any environmental changes can be made to the exterior or interior features outlined above, "no person owning, renting, or occupying property which has been designated a Landmark" can do so without first applying for a certificate of appropriateness. Procedures for administering the certificate of appropriateness are set forth in Section 2.63.070 of the Long Beach Municipal Code.

"General Standards and Guidelines for Landmarks and Historic Districts for the City of Long Beach" shall also apply.

Also, to guide the property owner, renter, or occupant in determining appropriate changes, if deemed necessary, and to the Cultural Heritage Committee in administering the certificate of appropriateness, refer to the selected references on file in the Department of Planning and Building which describe and define architectural style elements.

(Ord. C-5904 § 2, 1982)

16.52.140 - St. Regis Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The St. Regis Building.

- A. Location, Description and Reasons for Designation. Located at 1030 East Ocean Boulevard in the City of Long Beach, the St. Regis Apartment Building is a seventy-six (76) unit, eight-story, brick and masonry high rise structure resting on the ocean front bluff at Ocean Boulevard and Second Place. The penthouse that comprises the eighth floor is rather simple in design compared to the rich architectural components that work together to form the overall Greek motif. An example of such is the ionic entablature that rims the seventh floor. Part of this decoration is a large triangular pediment and boxed cornice which are both detailed with oversized dentils. Symmetrically placed above the main entry on the sixth floor is a shallow balcony with a masonry spoke design, all supported by cement brackets. The flat columns that rise above this are capped by voluted capitals.

The St. Regis Apartment Building is architecturally significant to Long Beach because it is a rare example of the Greek Revival style on this large of a scale. It also represents an example of the early high rise apartment construction along the coastal bluff.

The main entry is unique. The large platform marble stairs rise into the recessed entry that is characterized by a semi-elliptical arch with a keystone. Flanking the entrance on both sides are round columns next to windows that have molded arch trim. While the upper stories are brick with a header

bond pattern, the first floor is constructed in cement block and is decorated with a horizontal pattern that radiates from the larger windows. The round columns that support the second story balcony/porch have large bracket type capitals. The balcony rail is made of masonry spindle rails with large square corner posts. The name of the building is boldly imprinted along the center of the balcony. The entrance off of Ocean Boulevard is similar in design, but the facade is dominated by a fire escape that traverses its way down to the Street.

With the exception of a few new window frames and aluminum awnings, the original exterior of the building is intact. The interior of the building has been changed. The larger changes include the moving of apartment walls and/or the combining of two (2) units into one (1).

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any modifications to the St. Regis Building shall be done so in keeping with its architectural style. The brick and masonry facade with all of the architectural details such as the triangular pediment and boxed cornice that adorn the upper level, the masonry balconies, and the decorative recessed entry ways shall not be modified in character.

No environmental changes shall be made to a designated landmark unless a certificate of appropriateness has been issued by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental change.

(Ord. C-5945 § 1, 1983)

16.52.150 - Fire Maintenance Station No. 10.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: Fire Maintenance Station No. 10.

- A. Location, Description and Reasons for Designation. Fire Station No. 10, located at 1445 Peterson Street in the City of Long Beach, is a sizable rectangular structure capped by a large mansard roof. The exterior siding is brick that has been stuccoed. It rests on a concrete foundation. The front recessed truck entry is distinguished by a decorative gable. The large windows are, all multi-paned. It was constructed in 1925. The roof was partially damaged by a tornado in 1936. (It has since been repaired.)

The importance of the Long Beach Fire Department to the development of the City is amplified by the character of the City. Oil and gas production and shipping both from Signal Hill and the harbor area make fire prevention and suppression critical elements in the City's healthy development. In addition, the port of Long Beach presents special problems for a Fire Department. So preserving the City's oldest remaining station, a shop and many pieces of equipment, especially on the site of the City's first drill school and training tower, makes a significant contribution to preserving the heritage of the City.

Beyond that, the contribution of the City Fire Department to the development of firefighting techniques in the west and the nation are represented on this site. The Long Beach Fire Department was the first one on the west coast to use mechanized equipment while others depended on man or horse drawn equipment. In addition, a valve that allows firefighters to switch from one (1) water source to another without interrupting the water supply directed at a fire was developed by the local Fire Department and named after its inventor (the Lucas valve). This valve is now in use by Fire Departments all over the world.

Further significance is given this fire station location because of the many examples of firefighting equipment that are stored in the building. This collection of firefighting equipment brought together at the expense and time of the Long Beach Firefighters Historical Society, includes the following engineering specimens:

1. Equipment. Original Long Beach 1902 hand cart. This being one of two (2) purchased by Long Beach.
 2. 1923 Seagraves Aerial Ladder Truck. Original purchased by City, June 1923. Retired in 1949 and sold to the City of Visalia. Fireman purchased it in 1977 and brought it back to Long Beach.
 3. 1926 Ahren's Fox Pumper. Seven hundred fifty (750) gallons per minute pumper purchased in 1926 and retired in 1948. Fireman purchased from Mack Truck by paying trade in price on a new pumper.
 4. 1935 G.M.C. Squad Wagon purchased for one thousand two hundred fifty-four dollars and thirty-one cents (\$1,254.31) in 1935. This was purchased in 1981 by Tom Stewart Insurance and given to the Historical Society.
 5. Purchased in 1961 by our association from the movie studios, two (2) pieces of equipment, the same as used by Long Beach in the very early days 1905 to 1913. These both being horse drawn.
 6. 1905 Amoskeag Steam Pumper.
 7. 1894 Robinson Hose Wagon.
 8. In addition to these major pieces of equipment, the station houses many small artifacts such as a unique collection of photographs, fire buckets, helmets, nozzles, etc.
- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:
1. Any alterations, modifications, or repair of Fire Maintenance Station No. 10, or to any of the historic vehicles, machinery, or artifacts in storage therein, shall be done so in keeping with their historic character.
 2. No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-5964 § 1, 1983)

16.52.160 - Leonie Pray House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Leonie Pray House.

- A. Location, Description and Reasons for Designation. Located at 4252 Country Club Drive, in the City of Long Beach, this English Tudor mansion is one of the most architecturally significant residential structures in Long Beach. Its scale, size, and detail is unmatched in the City.

The house was designed and constructed by William E. Babb in 1927. Mr. Babb was a prominent Long Beach businessman who came to Long Beach in 1907 as the Manager of the phone company. He later resigned that post to engage in building contracting. Shortly before oil was discovered on Signal Hill, Mr. Babb, with other local builders, had completed plans for an eleven (11) acre residential project at Signal Hill. The project was abandoned when oil was discovered and, consequently, Messrs. Babb and others received large oil royalties.

In 1929 the house was purchased by Russell Pray, Attorney at law. The following history was excerpted from the Long Beach Blue Book, by Walter H. Case:

RUSSELL H. PRAY

Russell H. Pray is a well known and successful lawyer of Long Beach, who has practiced here since 1922. His first association in Long Beach was with Swaffield and Swaffield and in 1923 he became a member of the firm of Swaffield, Swaffield & Pray. In 1924 he took up practice alone and has so continued ever since. His suite of offices is located in the Security Building and his staff consists of three (3) additional lawyers.

Mr. Pray was born in St. Paul, Minnesota, on March 8, 1892, the son of Alvah J. Pray and Laura Elizabeth (Trowbridge) Pray. He was educated in the public schools of Columbus, Ohio, and entered Ohio State University in 1910. His law course was taken at the University of Michigan, which he completed in 1915. His degrees are A. B. and LL. B. After graduating he took a position with the American Telephone and Telegraph Company at Kansas City and for a time became a reporter on a Kansas City newspaper under Burris Jenkins. He went back to the law in 1917, in which year he was admitted to the bar in Missouri, taking up practice in the firm of Harding, Murphy, Deatherage and Harris. In 1918 he enlisted in the United State Army as a Private in the Infantry: later was promoted to Sergeant Major and then to First Lieutenant and assigned later as General Staff Officer commissioned in the Judge Advocate General's Department. He was later made Captain and served in France with the Army, remaining in the Regular Army until 1920. In October, 1920, he resigned his Army Commission and engaged in the practice of law with an American firm in Paris, where he remained until the fall of 1921. During this time he matriculated at the Sorbonne University in Paris and in November of 1921 married Mrs. Pray, formerly Leonie Petuya, a native of France who was attending school in Paris. In December of 1921 Mr. Pray came to California and in the following February was admitted to the bar in California and later came to Long Beach.

Mr. Pray is noted as an able trial lawyer and as a hard worker in his profession. During the last twenty years he has been engaged in many important cases, both in the Trial and Appellate Courts of this State. Mr. Pray was admitted to the United States Supreme Court and the bar of the District of Columbia in 1921. He has been particularly active and interested in the guidance and encouragement of younger lawyers entering his profession.

Well connected fraternally, Mr. Pray is a member of the Masonic Order, being a Knight Templar of the York Rite and a 32nd Degree member of the Scottish Rite, and a Shriner. He also belongs to the Sons of the Revolution, the Sons of the American Revolution, the Alliance Francaise, Paris Post No. 1 and Peterson Post No. 27 of the American Legion, Delta Tau Delta, Academic, and Phi Alpha Delta, legal, Fraternities. He is a member of the Virginia County Club, the Pacific Coast Club, Long Beach Bar Association, Los Angeles Bar Association, California State Bar Association and the American Bar Association.

Russell H. Pray died after a brief illness in 1971. He was 79, Mrs. Leonie Pray still owns the house.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the Leonie Pray House shall be done so in keeping with their historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6020 § 1, 1983)

16.52.170 - The Skinny House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Skinny House.

- A. Location, Description and Reasons for Designation. Located at 708 Gladys Avenue in the City of Long Beach, this three (3) story, eight hundred sixty (860) square feet, half-timber expression of Old English Tudor architecture exterior is compressed onto a ten foot (10') by fifty foot (50') residential lot which was created by an oversight in a real estate transaction at the corner of Gladys Avenue and Seventh Street. It was acquired by Newton Rummond in payment for a one hundred dollar (\$100.00) debt in 1931 - in the depth of the depression. Friends said it was too small to be useful; Rummond declared he could build a home on it; a friend dared him to do so - and he did. It was built by a group of unemployed craftsmen who gained employment from the publicity this created when it was completed in 1932. Thousands toured the home where the craftsmen's names were displayed by their handiwork. The house's fame spread and it was featured in Ripley's Believe-It-Or-Not as the nation's narrowest home. Visitors included such notables as Walt Disney and have continued by the thousands at open houses held by a succession of owners over the half century. Occupants have routinely lauded the layout and design as being comfortable and convenient far beyond what would be expected in eight hundred sixty (860) square feet on a thirty-eight foot (38') by ten foot (10') footprint. In 1959 when it was discovered that the house had leaned four inches (4") north, it was straightened to vertical again.

- B.

General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of The Skinny House shall be done so in keeping with their historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6020 § 2, 1983)

16.52.180 - First National Bank of Long Beach Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The First National Bank of Long Beach Building.

- A. Location, Description and Reasons for Designation. Located at 101 Pine Avenue in the City of Long Beach, the First National Bank of Long Beach Building is a large rectangular structure with a flat roof. There are commercial offices over the first floor bank and other commercial uses. There is a cornice at roof height, broken pediments adorn all six (6) floor windows and a decorative horizontal band connects them all. Above first floor all windows are double hung and siding is brick. There are exposed wrought iron fire escapes at both street sides. The corner of the building is broken into three (3) planes. Storefronts vary in treatment. The siding is tile, wood and brick. At corner on third plane are two (2) pilasters. On roof at corner is a large bell tower with clock face. It has four (4) sides, vaulted arches, classical detailing with variation of a hooded or swept roof and a flag pole on roof.

In 1906 the building that currently stands on the northwest corner of First and Pine was opened as the home, on the ground floor, of the First National Bank of Long Beach. When that bank was originally organized in 1900, it was the town's second bank. By 1907 it had five hundred thousand dollars (\$500,000.00) in capital stock, a one hundred thousand dollar (\$100,000.00) surplus and one million two hundred fifty thousand dollars (\$1,250,000.00) in assets. The upper stories of the building were rented to physicians, attorneys and other tenants.

In 1920 the First National Bank moved to new offices at Fourth and Pine and the California National Bank moved from its original home at First and Pine. Upper stories of the building continued to be occupied by a variety of tenants. In 1927, the Bank of America acquired the California National Bank, and the ground floor at First and Pine became a branch of that bank. The name Bank of America can still be seen on the west face of the building.

City building permits indicate that the Bank of America employed the Capital Company to do thirty-five thousand dollars (\$35,000.00) worth of remodeling on the building in 1938. Perhaps that is when the blue marble was attached to the first floor exterior.

There is some doubt whether the Bank of America ever owned the building. That bank's primary location in Long Beach was at Fourth and Pine. During the 1920's, and perhaps later, the building's official name was Metropolitan Building.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the First National Bank of Long Beach Building shall be done so in keeping with their historic character, and shall conform to the following outline for various proposed rehabilitation activities:

1. Structural.
 - a. The existing feature consists of a six-story load bearing masonry structure, built of brick with a steel frame and wood floors. The floors are nailed and/or bolted to the walls and steel members. The floors are in varying condition, ranging from poor to good. The walls are laid up with lime mortar and are in generally fair condition. The roof is of wood and is of joist and purlin construction. It is in poor to fair condition.
 - b. Proposed work will involve extensive structural reinforcing. A steel bond beam will be placed at each floor level, and it will be anchored into the load-bearing masonry on the interior. Three (3) sheer walls will also be placed into the interior, in the area of the original light well or atrium. Plywood sheathing will be utilized as a sheer diaphragm on the floors. The roof will be repaired and replaced where necessary. Skylights will also be placed into the upper story level in locations relative to original light wells. Possible construction of an exterior sheer wall on the rear elevations may be necessary. These elevations are not, however, of primary architectural significance, and are not visible from the commercial intersection at First Street and Pine Avenue.
2. Windows.
 - a. The existing windows from the second to six-story levels are of wood construction. They are of the double-hung sash type with chains. A number of the windows are in poor condition due to water damage, warping and dry rot.
 - b. Proposed work will involve the repair of windows where possible. Several of the windows will be replaced by duplicates of the originals, and all will have clear glass. Plans incorporate the potential use of awnings, and historical photographs indicate that this is appropriate and in accordance with the original exterior appearance.
3. Exterior/Cleaning.
 - a. The present exterior from the two- to six-story levels consists of yellow pressed brick with cast, stone, and terra cotta trim. The exterior is in generally good condition.
 - b. Commercial use of the structure requires the cleaning of the exterior wall surface. This will be carried out with mild detergents and soft bristle brushes using a low-pressure water rinse. The trim will be repaired and patched where necessary to prevent long-term water damage.
4. Mechanical/Plumbing/Electrical.
 - a.

The present features consist largely of non-original equipment. It includes, a natural gas engine with a four (4) pipe chilled water system, an electric elevator of 1950's vintage, an electrical system dating from the same period, and a vertical plumbing system dating from 1906 to the 1950's. The mechanical and plumbing systems are in poor condition, while the electrical system is in relatively good condition.

- b. Proposed work will involve the reworking of the elevator cables and the period restoration of the elevator cab. The electrical system will be repaired and the majority of the existing feature will be utilized as is. An entirely new plumbing and air conditioning system will be installed.
5. Typical Floor Plan 2 - 6 Story Levels.
- a. The existing feature consists of double box corridors with perimeter offices. Extant offices are extremely diverse in size as a result of extensive prior remodeling. The offices are in generally poor condition, although some original woodwork is extant.
 - b. Proposed work will consist of lobby areas at each floor level with an interior aisle providing access to restroom areas. The development of office spaces will be left to individual tenants.
6. Stairwells/Circulation.
- a. The existing circulation plan consists of two (2) stairwells. The first, located off the first floor lobby, leads to all upper floors and to the roof. It consists of metal and marble construction at the first floor level and is of wood construction above. The second, located in the extreme southwest corner of the building, is of wood construction and it leads to the sixth story level only.
 - b. Proposed work will connect the two (2) stairwells at each upper floor by a one (1) corridor system. The two (2) stairwells will remain in their present location and will be repaired as necessary. The south stairwell will be enlarged for fire exiting purposes.
7. Commercial Space.
- a. The existing feature consists of a vacant commercial banking area with basement vaults, and additional commercial frontage at the northern end of the Pine Avenue street level facade. The banking area and vaults have been largely unaltered with the exception of new flooring and counter space. The original ceiling in the banking area, and the furnishings and vaults in the basement area are virtually intact. The commercial frontage along Pine Avenue has, however, been extensively remodeled, and retains little of the original architectural integrity.
 - b. Proposed work will restore and repair the banking area and basement vaults as necessary. The space will be divided between commercial, banking and restaurant activities. All extant historical and architectural features of significance will be retained. A sheer wall will be placed at the dividing line of the restaurant and banking areas.
8. Lobby.
- a. The extant feature consists of a heavily remodeled space. Some of the original tile flooring and cast detailing remains, although much of the architectural fabric was damaged by the 1950's installation of a drop ceiling.
 - b. The plaster detailing in the lobby will be refabricated and restored, where possible, to duplicate the original. A substantial portion of the original ceiling remains, but it will be necessary to recast the majority of plaster detailing. The tile floor will be replaced with a

more serviceable tile or marble covering. Elevator doors and lighting fixtures will also be fabricated in context with period pieces. One column, which is directly in front of the elevator doorway, may be removed for more efficient circulation. In addition, the north wall of the lobby may be extended to provide for a more usable space.

9. Street Level Facade.

- a. The present feature consists of a 1939 remodeling of the original feature. The additions, although well done, are in an incompatible architectural style. The original corner entrance has also been blocked in, and the original showcase windows removed. The commercial frontage on the northern portion of the Pine Avenue frontage has also been remodeled.
- b. The original showcase windows will be replaced through the use of historic photographs. This will involve the removal of the present 1939 facade, the refabricating of the building base and the installation of appropriate glass and detailing. Original materials, such as marble, metal and cast detailing will be utilized where they are known to have existed. If this information is not available, then the restoration will involve the use of materials common to the period. The commercial alterations at the northern end of the Pine Avenue facade will also be removed and the exterior restored to its original condition.

10. Entry Areas.

- a. There are four (4) major entry areas. The Pine Avenue commercial entries, the main entrance leading to the lobby, the main banking entrance, and the auxillary fire exit located on First Street. With the exception of the First Street entry all of the original doors have been replaced. In addition, the original corner entrance has been entirely removed.
- b. The proposed work will involve the rebuilding of the original corner entrance. It will also involve the fabricating of brass doorways for all of the major entry areas. Wood doorways will be used where appropriate and when allowed by fire code. Marble steps and brass handrails will duplicate the originals.

11. Clock Tower/Parapet.

- a. The original parapet has been entirely removed from the Pine Avenue and First Street elevations. The clock tower is built of wood and tin with steel bracing. It is in generally good condition, but structural reinforcing is necessary.
- b. Proposed work will involve the replacement of the parapet to duplicate the original. In this manner the original "balance" of the entire facade may be restored. In addition, the clock tower will be repaired and structurally reinforced with steel ties. The parapet and tower will then be painted to reflect the color of the brick wall surface.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6026 § 1, 1984)

16.52.190 - Henry Clock House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: Henry Clock House.

- A. Location, Description and Reasons for Designation. Located at 4242 Pine Avenue, the Henry Clock House is a "Monterey Revival" style house, constructed in 1933, and designed by Kirtland Cutter.

The house has a floor area of five thousand two hundred thirty-three (5,233) square feet and has an irregular floor plan consisting of an attached triple car garage at the south end with a swimming pool off of the living room near the side yard on Locust Avenue. It is a two-story structure with a Monterey style balcony and decorative wood rafter supports and railing. The lower floor has stucco siding with the second story clad with board and batten wood siding. It has a red clay tile hip roof, fireplace and a brick wall surrounding the garage entry. The double-hung windows are accented with stationary shutters. It rests on a concrete foundation.

Henry Clock was an Attorney and an outstanding leader in Long Beach. He was born in Iowa in 1908. Two (2) years after his birth, his father, Ralph H. Clock, moved the family to Long Beach and started the legal firm of Clock, McWhinney and Clock, one of the oldest in Long Beach. Henry attended Stanford and Southwestern Law School. In 1932 he married Frances Terry, daughter of a prominent surgeon, Roy A. Terry. He joined his father's firm, which shortly became Clock, Waestman and Clock, upon Mr. McWhinney's retirement. He served as a member of the National Boys Club of America and was past president of the Boys Club of Long Beach and received the Golden Boy Award in 1960. He also served as president of the Long Beach Area Boy Scouts of America; the Avalon Tuna Club; the Memorial Hospital Medical Center, and served on the Board for the Long Beach Bar Association for many years. He was a member of the American Bar Association and the State Bar Association of California; the American College of Probate Counsel and founder of the Lincoln Club. Henry Clock died in 1976.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Henry Clock House shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee, or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6154 § 1, 1985)

16.52.200 - The Artaban Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Artaban Apartments.

- A.

Location, Description and Reasons for Designation. Located at 10 Atlantic Avenue and constructed in 1922, this building is a very good example of a large scale apartment building from the 1920/1930 era. As was common at this time in Long Beach, this building was built as cooperative apartments and included such amenities as a built-in refrigeration plant, laundry room, meeting and game rooms. The exterior of the building is concrete with many decorative touches added. There is a decorated band between the second and third floors and plain bands between each of the remaining floors. These bands are on the south and west sides of the building. The south side of the building features balconies under the center windows on the second through eighth floors and two (2) side balconies on the seventh floor, all these balconies face the ocean. On the west side are two (2) individual balconies on the fifth and seventh floors. Although the roof is flat, a decorative band running atop the south and west sides of the building simulates an overhanging roof. The entrance to this building is on the west side and is surrounded by a decorative arch and the recessed doorway is surrounded by a very decorated entrance. The lobby of the building is very beautiful and well maintained, the ceiling is a very colorful fresco with many details. The mantle around the fireplace shows scenes of Artaban travelers looking for Jesus.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the Artaban Apartments exterior or interior lobby artwork (ceiling, molding, fireplace, etc.) shall be done so in keeping with their historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6154 § 2, 1985)

16.52.210 - The Broadlind Hotel.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Broadlind Hotel.

- A. Location, Description and Reasons for Designation. Located at 149 Linden Avenue on the southwest corner of the intersection of Broadway and Linden Avenues (hence the name Broadlind) in Long Beach, the Broadlind Hotel is square in plan and four (4) stories in height. A twenty (20) by twenty foot (20') penthouse at the northeast corner gives the impression that the building has a tower. The penthouse has a tiled, hipped roof. The low pitched roofs on the north and east sides are also tiled. The penthouse windows on the street sides are arched and six (6) in number, with larger arches over each pair. A long shelf gives the appearance of support for the windows. The building has arched street level windows, two (2) stories high. These arches are set on square marble columns with Corinthian capitals; these are connected with a braid which reaches from capital to capital. Other decorative features abound.

The Broadlind Hotel is an excellent example of Italian Renaissance architecture which is rare in the City of Long Beach. It was intended to cater to male transients and as such was furnished extensively in a way believed to appeal to masculine tastes - heavy furniture featuring a Spanish motif.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the Broadlind Hotel shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6154 § 3, 1985)

16.52.220 - The Masonic Temple.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Masonic Temple.

- A. Location, Description and Reasons for Designation. Located at 228-234 Pine Avenue, the Masonic Temple is a three-story, rectangular brick building that occupies its entire lot. At the top of the roof line, it is decorated by three (3) gables. These give the building its Romanesque look with Gothic influences. Behind the gables is a mansard roof. Also on the front of the building is a block with "Masonic Temple" written in it.

The ground floor of the building is used for retail stores and various tenants have redecorated the facade. The top two (2) stories in the front were constructed to house offices. The back of the top two (2) stories is the location of the lodge hall.

The Masonic Temple is among the oldest buildings remaining unchanged in downtown. It may be the only remaining building in Long Beach designed by Henry F. Starbuck who designed many other early resort, commercial and residential buildings in downtown Long Beach. He also designed buildings in other cities throughout California. This building is Long Beach's oldest building constructed especially for Masonic lodge activities and it was the home of its oldest Masonic lodge. Among its members were many local citizens who made important contributions to the development of Long Beach.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Masonic Temple shall be done so in keeping with its historic character. The restoration/rehabilitation of the Masonic Temple shall conform to the plan approved and on file with the office of Historic Preservation, Parks Services Division, Department of

the Interior. If such plans fail to meet the approval of the State agency, then any subsequent rehabilitation plans formulated for the structure shall be subject to review and approval by the Cultural Heritage Committee.

No environmental changes that deviate from the approved rehabilitation plan shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6193 § 1, 1985)

16.52.230 - The Matlock House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Matlock House.

- A. Location, Description and Reasons for Designation. Located at 1560 Ramillo, this single-family residence was designed by architect Richard J. Neutra. The eight (8) room house plus three (3) car garage is of wood frame and stucco construction. Building regulations dictated the use of pitched roofs. The pitch is a low one and the materials are cedar wood shingles with redwood eaves. There are high banded windows along the front and side of the house and large, window walls facing onto the pool and garden area in the back. This allows space to flow visually between the primary living areas and the garden areas. The carport on the north side of the house seems to be a part of the house. The front door is protected from the public areas of street and sidewalk by an integrated landscaping plan that seems to be a part of the house.

The house was built by Dr. and Mrs. Richard A. Matlock after they had seen the Neutra house of Dr. Grant Beckstrand. The Matlocks had many meetings with Mr. Neutra so that he could learn about their lifestyle and interpret the needs and desires of their family. They felt he was very thorough in these discussions. Neutra personally supervised the construction of the house, coming to Long Beach to be on-site about once a week. He was instrumental in seeing that the landscaping was done to be in harmony with the architecture of the house.

The house was purchased in 1968 by the Matlocks' daughter and her husband, Mr. and Mrs. John A. Masterson, who have been careful to keep the integrity of the architecture in mind in any additions they have made.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Matlock House shall be done so in keeping with its historic character.

No environmental changes that deviate from the approved rehabilitation plan shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6206 § 1, 1985)

16.52.240 - The Moore House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Moore House.

- A. Location, Description and Reasons for Designation. Located at 5551 La Pasada, this single-family residence was designed by architect Richard J. Neutra. The six (6) room, one-story house of wood frame and stucco construction was built in 1952-53 for the Bethuel Moore family. It is a complement to the neighboring home at 5561 La Pasada, and was designed this way by the architect for the purpose of presenting an integrated architectural appearance. Building regulations dictated the use of pitched roofs. The pitch is low and the materials are cedar wood shingles with redwood eaves. The redwood used in the garage door and inconspicuous side "front" door and as a structural definition under the cave in the front of the house contrasts beautifully with the smooth white stucco of the house. High banded windows and movable glass wall sections are significant features of the house. The private front patio and garden become a part of the interior of the house when the glass walls are slid open. This sharing of interior-exterior space is a special part of Mr. Neutra's designs. The front, redwood loggia covers the walkway to 5551 as well as 5561 La Pasada and seems to be a part of the two (2) houses.

Doris and Bethuel Moore moved into the residence in June 1953. Bethuel, in his 40's, was a successful portrait painter and the den was designed as his studio. Doris was the owner of a seamstress shop and the originator of the Hang 10 insignia that graces millions of dollars of surfing and casual wear. Their daughter, Diane, was nine (9) years old. The construction costs were twenty-seven thousand dollars (\$27,000.00) plus a ten percent (10%) architect's fee. In 1968, following the death of Mr. Moore by a heart attack, the home was purchased for fifty thousand dollars (\$50,000.00) by Dr. Evelyn Blackman, a sociology professor at California State University, Long Beach. The home was sold in 1971 to Terry and Janice Atzen for fifty-two thousand dollars (\$52,000.00). Terry, a stockbroker in his 30's, and Janice, a public relations Director, were the parents of Jennifer, 7, and Jonathan, 5. The den was then used as a third bedroom with bifold doors added. In 1981, the house was refurbished. With the exception of the peninsula counter dividing the kitchen from the living room, there were no significant architectural changes.

The bathrooms were updated and some contemporary light fixtures installed. The glass in the living room sliding doors was replaced with gray glass and the tracks refitted. In the kitchen, the painted wood cupboards were refitted with new doors of veneered koa wood to match the original oven and portable bar. The twin residences are pictured or written about in several books on Neutra. They are Richard Neutra: Building and Projects, 1959, edited by W. Boesinger; Richard Neutra, by Rupert Spade; and Richard Neutra and the Search for Modern Architecture, by Thomas S. Hines.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Moore House shall be done so in keeping with its historic character.

No environmental changes that deviate from the approved rehabilitation plan shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6206 § 2, 1985)

16.52.250 - The Olan Hafley House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Olan Hafley House.

- A. Location, Description and Reasons for Designation. Located at 5561 La Pasada, this single-family residence was designed by architect Richard J. Neutra. The five (5) room, one-story with a second story over the garage, is of wood frame and stucco construction. It was built in 1952-53 at the same time as the adjacent home at 5551 La Pasada. The two (2) homes appear to be twin homes. They were designed this way for the purpose of presenting an integrated architectural appearance. Building regulations dictated the use of pitched roofs, and in the Hafley House (5561 La Pasada) the roof timbers are left exposed internally in natural redwood. Sliding glass doors allow space to flow visually between the living room and the garden. Generally open-planned, the house also has an upper story in the form of a bedroom over the garage. There is an inconspicuous front door at the side of the house and a common entrance passage of redwood loggia arching the front walks for both 5551 and 5561 La Pasada. The back yards for the two (2) homes are also perceived as one (1) continuous yard, as there is no fence separating them. The smooth white stucco and the redwood timbers and high banded windows are also significant features of the home.

Mr. Hafley first heard of Mr. Neutra from a high school civics teacher in Du Quoin, Illinois, in approximately 1934, when the teacher quoted from a Time magazine article on a young up and coming Los Angeles architect that "designed the only homes fit for man to live in." In 1951, when the Hafleys decided to build a house, Mr. Neutra was interviewed and commissioned. Meeting with Mr. Neutra at least twice a month during the planning period, they reviewed their daily tasks, interests and entertainment styles. Interested in designing a unified look with the neighboring homes, he asked the Hafleys to contact the owners of the properties adjacent to their site. The Bethuel Moores, original owners of 5551, were interested. The two (2) homes were built at the same time. The homes reflect Mr. Neutra's philosophy of poetic imagery: "I try to make a house like a flower pot in which you can root something and out of which family life will bloom. It's not so much a question of ornamenting the flower pot as of fabricating it in such a way that something healthy and beautiful can grow in and out of it." Quoted from an article in the Los Angeles Times, Part VI, Sunday, March 13, 1977.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Olan Hafley House shall be done so in keeping with its historic character.

No environmental changes that deviate from the approved rehabilitation plan shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6206 § 3, 1985)

16.52.260 - The Willmore Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Willmore Building.

- A. Location, Description and Reasons for Designation. Willmore was built in 1925. From its completion until 1952 it was a residential hotel, eleven stories in height, which offered vacationing easterners winter accommodations and access to the warm, sunny beaches of Southern California. The L-shaped tower contains traditional hotel rooms, one- and two-room apartments with kitchens, and a tenth floor luxury penthouse. On the ground floor there is a large lobby; the solarium occupies the eleventh floor. The Willmore became an own-your-own building in 1952.

Architects in the early twentieth century were confronted with a major dilemma when designing buildings in classical style: How could they use the historical forms originally meant for one- to three-story public and religious buildings in the tall modern structures meant for contemporary functions? The Willmore offers an example of the solution: A careful copying of a fifteenth century Italian palace, with the middle heightened to accommodate the required stories.

The first two (2) floors of the Willmore tower serve as the palace base, with the heavy stone foundation - quoining - and large windows terminated by the molding above the second floor windows. The third through the eleventh floors are the body of the palace, relatively devoid of ornament to strongly state the height of the building. At the top there is an implied entablature and cornice at the parapet wall. Here, in plaster, the cornice ledge is held up by braces fastened with three (3) bronze rivets. Befitting a palace, surfaces between the braces are decorated with shields and fleur-de-lis above a hound's tooth border.

The colonnade, an attractive feature of Italian architecture, is used at the lobby entrance and again at the solarium at the top of the building. The lobby colonnade is in actual scale and gives an accurate replication of an Italian building. Featured are a tiled plaza, a fountain with mosaic decoration, and arched openings into the base of the tower. At the top is a smaller scale colonnade repeated as windows and balcony for the solarium.

Italian palace ornamentation is used on the friezes at the base and lower molding, typical balconies at the third and seventh floors, and on the complex cornice at the top of the tower. The required mechanical enclosures on the roof are housed in a replication of a typical Italian village - small white houses randomly ordered with small windows and rustic tile roofs.

Palace scale ornaments and furniture are used inside the lobby and faithfully preserved to this day. The terrazzo floor, a priceless example of 1920's craftsmanship, is black and white squares set diagonally to the building grid - a hallmark of Italian style. Balconied windows and a grand fireplace with a black onyx facing reinforce the style. The ceiling of a palace is reproduced in plaster and

decorated in colors typical of Mediterranean style during the Renaissance. At the center of the lobby is a huge amber glass skylight which floods the room with light during the day. Residential rooms are finished in generous wall base molding, clean wall surface, and well detailed trim at the ceiling.

In summary, the Willmore is a significant architectural landmark because it is a good representation of Italian Renaissance palace style, it is rich in palatial detailing, and it is a well preserved example of a luxury residential hotel in Long Beach in the 1920's.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of the Willmore Building shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission upon appeal, authorizing such environmental changes.

(Ord. C-6239 § 1, 1986)

16.52.270 - The Lafayette Complex.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as an historical landmark in the City: The Lafayette Complex, consisting of:

1. The Lafayette Hotel Location: Construction Date:	140 Linden Avenue 1929
2. The Lafayette Addition Location: Construction Date:	140 Linden Avenue 1948
3. The Campbell Apartments Location: Construction Date:	130 Linden Avenue 1928

- A. Location, Description and Reasons for Designation.
1. Constructed in 1929, the Lafayette Hotel, located at 140 Linden Avenue, is rectangular in plan and consists of one (1) structure. The roof is flat, and each building has two (2) recessed floors at the top. Above the second story on the shorter structure there are extremely ornate

swag designs and zig-zag patterns, while the seventh story has draping ornamentation between and above the windows. The windows are recessed vertically, and each window has a shelf.

2. The Lafayette Addition was added to the hotel in 1948 as an eight-story addition facing Broadway. There were one hundred (100) rooms. The University Club used the top floor. The kitchen was enlarged, and there were additional banquet rooms and a large supper club which would accommodate three hundred fifty (350) persons. The architecture is South American style, and the building is constructed of reinforced concrete. The then-owner, R.E. Campbell, made an inspection tour of all major hotels in the United States before drafting his final plans. Mr. Campbell died during this project, and his children took over. Robert E. Campbell ran the hotel for four (4) years. In February 1952 the complex was sold to Hilton. The three (3) buildings (including the Campbell Apartments) were joined together. The Ivanhoe Room, the Fife and the Drum Room were opened. In 1968, Hilton turned the building over to Robert Campbell and Norma Campbell Craig. In 1969, the whole complex was converted to condominiums. The property covers forty-one thousand (41,000) square feet of ground. There are one hundred seventy-three (173) residential units and forty-two (42) commercial units, with a total of about two hundred thousand (200,000) square feet of building space.
3. The Campbell Apartments, constructed in 1928, adjoin the Lafayette Hotel site. The eleven-story Spanish Renaissance building is typical of Southern California architecture of the 1920s. It has scroll and swag decorations beginning at the second floor and pyramiding up to the fourth floor. There is an ornamental balcony on the ninth floor. The central openings are bell-cast in shape and flanked by two (2) windows on each side, very symmetrical in design.

Built by Reginald Campbell, The Campbell Apartments, Campbell, were deluxe apartments with hotel service. Every apartment had its own kitchen, and maid service was available. It provided a garage in the basement, and cars were kept polished by garage attendants. The Lafayette Hotel was bought by Reginald Campbell to protect the Campbell Apartments.

The exterior embellishments give this building an outstanding facade of modern architecture. It preceded Art Deco.

The land for the Campbell Apartments was acquired from the Southern Pacific Railway Company by the Broadway Land Company. The completion of the project marked the first major step of an important new business district. The Campbell's eleven (11) stories complied with the Long Beach height limitation in 1928 and gave the skyline of Long Beach a cosmopolitan aura.

The Lafayette Complex occupies a prominent and desirable location in Long Beach. The property covers forty-one thousand (41,000) square feet of ground space and it is visible from a large area.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee, or by the City Planning Commission upon appeal, authorizing such environmental change.

Any alterations, modifications, or repair of the Lafayette Complex shall be done so as to be fully in keeping with its historic character, provided that: (1) the exterior architecture of the Lafayette Condominium Complex is significant and shall not be altered, and (2) the entry and first floor is significant and, when possible, should be restored to its original appearance.

(Ord. C-6314 § 1, 1986)

16.52.280 - The Linden House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Linden House.

- A. Location, Description and Reasons for Designation. Located at 847 Linden Avenue in the City of Long Beach, this two-story structure is square in plan with a high hip roof intersected by an offset gable with a false half timber pediment and segmented attic window with a cross gable, open to the side. A pediment gable with bas-relief "swag and seal" projects from a flared siding over the elevated recessed porch and has cast stone-type block supports and base. There are two (2) elaborate leaded glass windows on the front facade. A stained glass window with a segmented transom is on the right side of the house. A leaded glass window is also located in the dining room bay. There is a recessed balcony on the second floor with composite Corinthian wood columns. The roof has brackets and dentils for ornamentation as well as exposed eaves with across bar linkage. Small dentils also appear on the capitals of the stone columns supporting the front porch. The attic floor was used as servants' quarters.

Tax records indicate that the Linden House was built in 1907. It is listed in a 1908 City Directory and its occupant was listed as Charles Reed, Building Contractor. His brother, and partner in contracting, was listed as living next door at 837. In 1911, the Directory lists a new occupant of the house, Cecil A. Sensor, whose occupation was given as real estate. In 1913, Louisa Sensor was also listed as an occupant of the house. Beginning some time in the 1920s, the house was occupied by Mrs. Anna McClosky and Katherina McClosky. In 1933, following the earthquake, a building permit for seven hundred dollars (\$700.00) in repairs was issued and the contractor was listed as James Reed. Another building permit, issued in 1951 when asbestos siding was added to the house, lists William J. Gilson as the owner. The house has the original gas lights in many rooms.

In summary, the Linden House is a significant architectural landmark because it is a good representation of the influence of local craftsmanship on the Queen Anne style of residential structures.

- B. General Guidelines and Standards For Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of any of the above structures shall be done so in keeping with their historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

16.52.290 - The Termo Company Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Termo Company Building.

- A. Location, Description and Reasons for Designation. Located at 3275 Cherry Avenue in the City of Long Beach, the Termo Company Building represents the importance of the discovery and production of oil in Long Beach and throughout California. The company owns and operates oil wells not only in Long Beach but throughout California and the rest of the United States. It was, in fact, nearly twenty (20) years after the building was completed that oil was discovered under it and its surrounding property. Oil, according to Gerald White, is the gold of the twentieth century in California. And this unique building is the kind of work space that the leaders of one particular company chose for themselves. The building's unique architectural character represents the freedom to make nontraditional choices that success in the oil business gave to certain entrepreneurs.

Once, the row of oil-related businesses along Cherry Avenue, mostly south of the Termo Company Building, was a center of business activity and technological innovation not only for the oil field on Signal Hill but for many other fields discovered throughout Southern California after the First World War. At about the same time these fields were discovered, other entrepreneurs were beginning to produce automobiles that were within the price range of millions of people. The existence of that market for gasoline encouraged the rapid exploitation of the recently discovered oil. Cherry Avenue in Long Beach and adjacent Signal Hill became an important center for sharing information, experimenting with new technology and accumulating capital for new projects.

In summary, the Termo Company Building is an architecturally unique building that represents influence of the oil business on Long Beach and throughout California.

It tells the story of a significant part of oil-related businesses and their influence in Long Beach and throughout California. It represents the affluence that comes to those who are successful in finding oil and the unbelievable quantity and rapidity with which it can overwhelm its owners.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications, or repair of any of the above structures shall be done so in keeping with their historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

16.52.300 - The Home Market Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission the City Council designates the following building as an historical landmark in the City: The Home Market Building.

- A. Location, Description and Reasons for Designation. Located at 942-948 Daisy Avenue in the City of Long Beach, the Home Market Building, the structure was built in 1925 as a "Two-Story Brick Store And Dwelling for F.W. and W.C. Ovelman". The plans were prepared by the Long Beach architectural and engineering firm of Schilling and Schilling. It was originally operated as the Home Market with a residence for the Ovelmans above the market. The building represented a transition in the area from residential and small, temporary commercial uses to larger permanent commercial buildings. (It remains the only two-story commercial structure in the district today.) The firm of Schilling and Schilling later built the Lafayette Hotel, and were considered the fathers of "modern architecture applied to commercial buildings in Long Beach."
- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6509 § 1, 1988)

16.52.310 - The Farmers and Merchants Bank Office Tower.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Farmers and Merchants Bank Office Tower.

- A. Location, Description and Reasons for Designation. Located at 320 Pine Avenue in the City of Long Beach, the Farmers and Merchants Bank Office Tower is a ten-story steel and terra cotta structure, designed by Curlett and Beelman and built in 1923 by the McNeil Construction Co. The structure was the City's first "skyscraper" and introduced the modern era of building design to the City. The building is characterized by classic detail along the top floor and along the second floor in the form of urns, scrollwork and a shell pattern. Many locally prominent attorneys, physicians and other professionals occupied offices in the bank tower, including two (2) of Long Beach's Mayors.
- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6547 § 1, 1988)

16.52.320 - The Long Beach Professional Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Long Beach Professional Building.

- A. Location, description and reasons for designation. Located at 117 East Eighth Street in the City of Long Beach, the Long Beach Professional Building, built in 1929, was the first large office building in Long Beach devoted exclusively to the practice of medicine. It attracted many well-known physicians and dentists to the Long Beach area. The building has a classic art-deco style lobby done in pinks and blacks. The structure itself is an eight-story, two-part vertical block and is a late example of art deco that introduced elements that became commonly used in the W.P.A. moderne style of the 1930's.
- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6547 § 2, 1988)

16.52.330 - Bixby Ranch House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Bixby Ranch House.

- A. Location, description and reasons for designation. Located at 11 La Linda Drive in the City of Long Beach, the Bixby Ranch House is described as Colonial Revival in style and was designed by the San Francisco firm of Coxhead and Coxhead. The structure was completed in 1890 after three (3) years of construction. The house was built for the son of George H. Bixby, oldest son of Jotham Bixby, and served as the headquarters for the Bixby ranch operations. The house contains almost seven thousand (7,000) square feet of living space. The nine (9) bedrooms and five (5) bathrooms provided adequately for George Bixby's large family: he and Mrs. Bixby had seven (7) children.
- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6555 § 1, 1989)

16.52.340 - The Houser Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Houser Building.

- A. Location, description and reasons for designation. Located at 2740-46 East Broadway in the City of Long Beach, the Houser Building is a three-story brick commercial/residential structure constructed in 1929. The Italianate style building was constructed by W.J. Essen and designed by architect Joseph Halstead Roberts. Mr. Roberts designed approximately seventy (70) structures in the City. Although many have been demolished, several still remain that attest to his talent as an architect. A most significant example is the St. Regis Apartments, a Long Beach Landmark by separate ordinance. This particular building represents a good example of an early neighborhood commercial development. It was constructed for Mr. John T. Houser, a prominent lawyer in Long Beach. The Houser family lived behind this structure at 2743 East Second Street. A bridge from the back of their home connected the structures.
- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(C-6555 § 2, 1989)

16.52.350 - The Harriman-Jones Clinic.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Harriman-Jones Clinic.

- A. Location, description and reasons for designation. Located at 211 Cherry Avenue in the City of Long Beach, the Harriman-Jones Clinic is described as composite period revival—Tuscan/ Roman villa in style. The original 1930 plan was a two-story central entrance to a reception room and waiting area that was flanked by two (2) interior courtyards. The northern courtyard was roofed over in 1954. A two-story addition was built to the west in 1955 and a two-level parking deck was added to the parcel west of the alley in 1962. The east facade is in its original condition with a

symmetrical portico In Antis. The Tuscan columns support half-round arches with smooth soffits leading to a stoop with stone benches on either side. On either side of the portico are pilasters supporting a pediment with an unornamented Tympanum. The acroteria receive stylized urns. An extended Escutcheon is mounted on the spandrel above the central arch and the second-story blocking course. A two-story pilaster is noted at each of the original four (4) corners of the building and the west corners of the 1954 addition. At the north end of the ground floor of the east facade is a single bay truncated arch on pilasters with a glazed opening. This detail returns along the north facade for seven (7) bays. The original balconies above bays three (3) and four (4) were removed in the seismic retrofitting of 1986. The 1986 seismic retrofitting was a partial repair for a Grade III building (Subdivision 80). The original building roof is a terra cotta tile with a two-foot overhang. The windows are metal casement with fixed shutters.

Dr. Harriman Jones was one of Long Beach's most prominent physicians. He came to Long Beach in 1902 as one of the town's first doctors, and became the City's first health officer, setting up the City's public health regulations. He organized the Long Beach Hospital (now the site of St. Mary's Hospital), and helped organize Seaside Hospital where he served as Chief of Staff for many years. His concept for the clinic bearing his name was innovative, combining many medical services under one (1) roof, and setting up a trust fund to provide medical services for the needy. Dr Jones was the first Fellow of the American College of Surgeons and a Founding Member of the American Board of Surgery.

The architect, Kenneth Wing, Sr., F.A.I.A., had a long and distinguished career spanning sixty (60) years in Long Beach. He designed the Long Beach Arena, the Southern California Edison Building, United California Bank, the Physical Education facility at California State University, Long Beach, the Physical Science facility of University of California, Irvine, the Nuclear Medicine facility, and the Long Beach Community Hospital. His designs include the First Baptist Church of Long Beach, Jordan High School, Luther Burbank School, many homes in the Virginia Country Club and Bixby Knolls area, and the renovation of the historic Bixby Ranch in Los Cerritos. He was associated with Allied Architects in the design of Long Beach City Hall and Library complex, and the Terrace Theater and Exhibit Center.

The Harriman-Jones Clinic (1930) was Wing's first major work as an independent architect. He considered it one of his most important works; his obituary in the Press-Telegram listed this building second in the long list of his achievements.

This pedestrian-oriented clinic is located in a neighborhood setting and reflects the Period Revival architecture of the surrounding streets. It is situated at the intersection of the major north-south and east-west corridors of Cherry Avenue and Broadway. Its Italian Renaissance Revival portico, facing the park, has been an important presence in a residential community for almost sixty (60) years.

In summary, the Harriman-Jones Clinic exemplifies the development of modern and progressive medical health services in the City of Long Beach. Dr. Jones founded Long Beach's first hospital in a small building at 327 Daisy Avenue. The clinic on Cherry Avenue originally placed a hospital and various medical services under one roof, and offered health services to the poor. Dr. Jones also founded other hospitals, and served as the City's first Health Officer. Thus, this building embodies the history of modern medicine in the City of Long Beach.

B.

General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (February, 1978), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character.

No environmental changes shall be allowed unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6613 § 1, 1989)

16.52.360 - The Breakers Hotel.

Pursuant to the provisions of Chapter 2.63 of the Long Beach Municipal Code and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Breakers Hotel.

- A. Location, description and reasons for designation. Located at 200 East Ocean Boulevard in the City of Long Beach, the Breakers Hotel was built in 1925. It contains one hundred seventy-two thousand (172,000) square feet and rises thirteen (13) stories with two (2) or more floors below the bluff including a recessed parking lot. The design is Spanish Renaissance Revival with a sky room and tower. The plain, stucco walls with octagonal tile roof at the summit are set off by immense, elaborate concrete ornamentation over the main recessed entrance. The ornamentation is classically derived and includes bas-relief mermaid busts and the heads of Neptune. There are twelfth-floor balconies and vaulted arches onto a wrought iron fire escape landing. The building has double-hung windows with large arched windows at the ground floor. It also features a circular drive with olive trees. The building is a major visual landmark in the area on a palm-lined boulevard. There is a glass view room at the ninth floor rear.

Construction was begun on the Breakers Hotel in 1925. Its developer, Fred B. Dunn, planned a fifteen-story, three hundred twenty (320) room hotel at a cost of one hundred thousand dollars (\$100,000.00). With W. Jay Burgin as contractor, the hotel opened within a year. Later it was purchased by Conrad Hilton who made the necessary repairs, added the Sky Room, and reopened the hotel. After Hilton sold the hotel, it became the Wilton Hotel until the 1970s when it was converted into a senior citizens' residence. In 1982 it was reconverted into a hotel and in 1988 is being changed back again into a senior citizens' residence.

As noted, the Breakers Hotel is significant in its unique Spanish Renaissance design. It is one of the largest structures constructed in Long Beach built during the Twenties. In short, it is a fine example of 1920's resort era architecture. The decoration that surrounds the entrance is lavish, symbolizing the era and its structures. The remainder of the building is simple, and its three-dimensional massing distinguishes it on the Long Beach skyline. The interior of the building, especially the elegant lobby and lounge which reflect its 1920's resort era heritage, was refurbished in 1982. On the top of the building is the Sky Room Restaurant decorated in contemporary Art Deco.

B.

General guidelines and standards for any changes. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings are hereby incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

1. Any alterations, modifications or repair of the Breakers Hotel shall be consistent and compatible, in architectural style and materials, with its historic character.
2. All plans for modifications, alterations, color changes, or structural additions to the exterior historic building and its site, including paths, driveways and landscaping, shall be applied for with a Certificate of Appropriateness.
3. No environmental changes that deviate from the approved rehabilitation plan shall be allowed unless a Certificate of Appropriateness has been applied and approved by the Cultural Heritage Commission.
4. The ground floor lobby contains historic design elements, significant interior spaces and decorative features which form part of the building's unique character and should be preserved. These are original, large-arched windows, spacious proportions, floor-to-ceiling pillars and decorative cast plaster friezes and capitals. Alterations, modification, additions and other architectural changes shall be requested of the Cultural Heritage Commission with a Certificate of Appropriateness.
5. Alterations that are necessary for reasons of public safety and seismic compliance shall be given special consideration by the Commission. Every effort shall be made to minimize the physical alterations to the building that result from compliance with the City's seismic ordinance.
6. Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character. No environmental changes shall be allowed unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6609 § 1, 1989)

16.52.370 - The Ocean Center Building.

Pursuant to the provisions of Chapter 2.63 of the Long Beach Municipal Code and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Ocean Center Building.

- A. Location, description and reasons for designation. The Ocean Center Building is located at 110 West Ocean Boulevard in the City of Long Beach, is an outstanding example of essentially Spanish design incorporating red tile roofs. It also includes Italian details such as quoining on all corners. The building was designed to take advantage of ocean views by being terraced fourteen (14) stories down the bluff. The north elevation of the building, facing Ocean Boulevard, is thirteen (13) stories and incorporates a broken pediment and a shield with sea shells and the face of Neptune over the front entry. There is a balcony at the seventh floor front under a pediment with brackets. Formal pediments and battlements decorate all four (4) sides. There is an arcade at the base of the building under the bluff which was intended to serve visitors to the Pike. The building is capped by an octagonal tower which originally held a fifty-foot concrete tower and lantern. A

smaller tower decorates the rear of the building. The building is attractive from all sides, utilizing picturesque massing and several Mediterranean design features as detailed in the inventory sheet.

- B. It is significant as the first modern office building on the bluff, rising to the City's height limit at that time. Following the 1933 Long Beach earthquake, the fifty foot (50') concrete tower and lantern, two hundred twenty-eight feet (228') from street level, were removed in June, 1934. In 1936, the building was renovated and today the building remains essentially unchanged, and serves as a point of reference in the Long Beach skyline.
- C. General guidelines and standards for any changes. The Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings is incorporated by reference, and the following additional guidelines are adopted by the Cultural Heritage Commission:
 - 1. The building's exterior, its massing, stepped setbacks, central tower, turrets, parapets and exterior ornamentation are its most significant elements. Any changes (including change in color and/or replacement of windows), alterations, additions or other modifications to the exterior of the building shall require a Certificate of Appropriateness from the Cultural Heritage Commission.
 - 2. The entryway and lobby corridor contain important historic design and material features that should be maintained and preserved without alteration. These are: the marble terrazzo floor, painted entryway ceiling, marble walls and wainscot and mahogany wood panels. Modifications for maintenance and restoration shall be approved. Other modifications and replacement of existing features shall require a Certificate of Appropriateness.
 - 3. Users of the office space above the public lobby are encouraged to retain the original "antique" architectural components, such as original mahogany doors, because the retention of these features adds considerable value to the entire building.
 - 4. Original exterior site features, such as the large palm tree in front, the front lawn, and exterior stairs with railings, are to be maintained. Applications for modifications and replacement shall require a Certificate of Appropriateness.
 - 5. Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character. No environmental changes shall be allowed unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6609 § 2, 1989)

16.52.380 - The Adelaide M. Tichenor House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Adelaide Tichenor House.

- A. Location, description and reasons for designation. Located at 852 East Ocean Boulevard in the City of Long Beach, the Adelaide M. Tichenor House was designed by noted architects Charles and Henry Greene. This craftsman bungalow is situated on a bluff overlooking the Pacific Ocean and Long Beach Harbor. The "U"-shaped plan was developed with a two-story central base facing the ocean; two (2) low-pitched, one-story wings extend rearward toward Ocean Boulevard from such side of the central base and once forming an intimate, protective terrace.

Built in 1904, this structure is one (1) of three (3) Greene and Greene designed homes built in Long Beach. Most noted for their grand "ultimate bungalows" of 1907-1909, the Tichenor House is of major importance as it created a significant turning point in the Greene's career. It was the first house for which they designed all the interior furnishings (most of which were removed in a 1953 remodeling), creating a totally integrated work of art.

The Tichenor House, more than any other house, marked a significant turning point in the evolution of the Greene's own architectural vocabulary. The design shows explicit Japanese influence and is more "Oriental" than any other Greene and Greene houses. Mrs. Tichenor had similar interest in oriental design, fine craftsmanship and decorative arts. She gave Charles and Henry Greene the opportunity and latitude to fully demonstrate their own new personal vocabulary, in terms of totality of work involving plan form structure, materials and detail.

The primary entrance into the home was originally from the bluff side, while a Torii gate fully roofed in tile formed a ceremonial entrance from Ocean Boulevard into an oriental garden. The mutual interest in the Orient of both client and architects led to the selection of green tiles for the roof, an arched bridge over the pond in the garden, and the ceremonial roofed gateway.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Committee are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Committee or by the City Planning Commission, upon appeal, authorizing such environmental changes.

Any architectural features, interior design elements or artifacts that were designed by Greene and Greene and original to the house, or that are contemporary with the time period in which the house was constructed, shall not be altered or removed without application for a Certificate of Appropriateness.

(Ord. C-6614 § 1, 1989)

16.52.390 - The Californian Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Californian Apartments.

- A. Location, description and reasons for designation. Located at 325 West Third Street in the City of Long Beach, the Californian Apartments building is five (5) stories in height and square in plan. It has a flat roof and brick siding, yellow bricks used in front, red at the side and back. There are four (4) balconies in front with marble balcony floors and coverings. White brick decorates the bottom of the front windows on the second, third, fourth and fifth stories, the first story windows

have spoked fan lights above them, are many-paned and have a keystone above them and wrought iron railings. The fourth story windows have a semi-circular brick design above them and the fifth story have small parapets, the balcony exit is arched and has columns.

The unique Classical Revival architectural design of this forty-nine (49) unit apartment building turns it from just a plain brick building into a structure of visual distinction in Long Beach.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6643 § 1, 1989)

16.52.400 - The Crest Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Crest Apartments.

- A. Location, description and reasons for designation. Located at 321 Chestnut Avenue in the City of Long Beach, the Crest Apartments building is a two-story, brick-faced apartment house with a flat roof. This structure is notable for the ornamentation on the facade. It is symmetrical, with a recessed entrance in the center. Flat, highly decorated pilasters with a similarly decorated cap surround the entrance. Above the cap is a stone crest supported by two (2) carved figures and other ornamentation. All windows are surrounded by firebrick which contrasts sharply with the brick facade. French doors and windows highlight the ground floor; double-hung sash windows the upper floor. Ornamental iron miniature balconies adorn the upper windows, and large balconies the lower windows. The foundation is concrete, and the roofing material is composition.

The structure is unusually rich in architectural ornamentation, and decorative elaboration of brick are rarely seen on small-scale apartments of this type. The facade is an excellent example of classical revival/Beaux-Arts design typical of that period.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6643 § 2, 1989)

16.52.410 - The Blackstone Hotel

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Blackstone Hotel.

- A. Location, description and reasons for designation. Located at 330 West Ocean Boulevard in the City of Long Beach, the Blackstone Hotel is a six-story hotel building featuring a simple, Renaissance Revival-influenced design. Of reinforced concrete construction, the Ocean Boulevard building has a U-shaped facade. Stringcourses set off the bottom and top stories. Single and paired double-hung sash windows with raised sills define the bays. A plain entablature culminating in an overhanging cornice caps the building. Enhanced by landscaping, the Blackstone appears largely unaltered and in good condition.

The Blackstone is important in that it exemplifies the development of highrise residential structures on Ocean Boulevard in the 'twenties, defining the City's first highrise skyline. A reminder of the economic boom of that period, shaped by the City's prominence as a beach resort and fueled by the discovery of oil, the demand for new housing gave rise to residential highrise development downtown. Situated next to the Sovereign, it serves as a strong visual connection to the past and reflects the City's pattern of development.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6643 § 3, 1989)

16.52.420 - The Sovereign Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Sovereign Apartments.

- A. Location, description and reasons for designation. Located at 354-60 West Ocean Boulevard in the City of Long Beach, the Sovereign Apartments building is a ninety-five (95) unit apartment building. Its eleven (11) stories (plus two (2) sub-grade levels accessed from the rear) are detailed eclectically, although an underlying division into base, shaft, and capital suggests the Renaissance Revival. Of reinforced concrete and tile construction, the rectangular structure is sheathed with stucco. The facade is symmetrical with a central focus provided by a five (5) window bay which runs the entire height of the building. Multi-paned arched windows flank the central entrance on the smoothly rusticated street level. Stringcourses circle the building above the first, fourth, tenth, and eleventh floors. Tripartite casement windows are located to either side of the central bay in each level and also open onto balconies at either side and in the center of the west elevation. A stepped parapet embellished with an arched motif culminates the design of the facade. Some alteration of the lower levels appears to have occurred (these are indicated to be store spaces on the 1950 Sanborn). The building is in good condition and accented by a tree-shaded front setback.

The Sovereign Apartments, along with its neighbor The Blackstone, are strong visual reminders of oceanfront development in the 1920's. Built in 1922, the Sovereign was an "own-your-own" apartment building, the condominium of its day. The Sovereign contained ninety-five (95) such units in a prime location. The luxurious apartment/hotel complex often boasted many amenities, with first-floor retailers catering to the needs of residents. Marketed by boosters of Long Beach as upper-class living accommodations, the apartment/hotels were a major part of the tourism industry as well as serving as housing for permanent residents. As an example of the Renaissance Revival style in its residential configuration on the ocean, and as representative of Long Beach lifestyle during a major period of growth and development, the eleven-story Sovereign appears potentially eligible for listing in the National Register of Historic Places.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally except that the following significant design features of the lobby shall be preserved: the Batchelder tile fireplace, octagonal columns and ornate ceiling moldings.

(Ord. C-6643 § 4, 1989)

16.52.430 - Windham House (The Lord Mayor's Inn).

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: Windham House (The Lord Mayor's Inn).

A. Location, description and reasons for designation.

Located at 435 Cedar Avenue, Windham House is a four-thousand square foot (4,000'), two-story, wood frame home located on two (2) City lots in downtown Long Beach, California, three (3) blocks from Long Beach City Hall and the Civic Center. It is a California Craftsman-style home designed in 1906 by George L. Hoodenpyl, a trained architect and prominent Southern California Attorney who later served as City Attorney of Long Beach.

Windham House is a massive, square-shaped structure of deceptively unsymmetrical design, built upon a stone foundation which is carried upward in three (3) massive stone columns with square capitals.

The capitals support that portion of the second story over the recessed porch in the center and right side of the front. Siding material is wood board and wood shingle. A pyramidal roof caps the home. A hipped roof covers a small dormer sheltering an attic vent. Below this is a projecting triangular pediment with brackets which imitate rafters. The main roof overhang is supported by brackets, the eaves are essentially boxed, with dentil detail. Fenestration is unremarkable, but the first floor windows on the left are set in a slightly curved frame which hints of a bay window. The lower portion of the second story is slightly bellcast with rounded dentil details.

The building is associated with Charles H. Windham, who was Mayor of Long Beach in 1911. This home was built by him for his own use.

This is an excellent example of a California Craftsman house, in a formal and monumental house. It is broad and massive, with a rough-hewn stone foundation. The same stone is used for the living room fireplace. It is covered in wood siding and wood shingles, with prominent structural framing and projecting rafters. The symmetrical central entryway creates a more formal appearance. This is a fully restored, high quality example of a vernacular Southern California housing type typical of the period 1900-1914.

The granite porch, foundations and granite fireplace are unusual materials for the City of Long Beach, and represent a significant innovation in this building.

This home was part of the original City residential district, and constituted one of a number of large private residences built in the early 1900's close to the downtown business and civic center of the City. It remains intact and well preserved, and is an excellent example of an historic mansion in the City.

The large front door opens to a three hundred square foot (300') foyer graced by a white oak staircase leading to the upstairs rooms. To the immediate left upon entrance is a formal living room with original log burning fireplace. The living room is separated from the formal dining room by two (2) large oak pocket doors. To the immediate right upon entrance is a reception room also separated from the foyer by two (2) large pocket doors and originally used as a music room; and the outer door off the foyer leads to a library. The original bookcase is missing but the evidence of its existence can be seen on the hardwood floor behind the present bookcase. Upstairs, there is a large landing area

with access to the sunporch. Mayor Windham occupied the bedroom upstairs on the southeast corner. The original fireplace faced with yellow brick has been restored. A long window seat running the length of the room has been removed at some point in time. A similar window seat had been in the bedroom on the southwest corner. That bedroom was occupied by the youngest daughter, Margarita, and today the room is named in her honor. The other bedrooms were for the other Windham children. They are typical bedrooms of that particular period, having substantial closets and grouped windows. The northeast bedroom includes two (2) casement windows in the east grouping.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The building's exterior shall be regulated by the provisions of this Section. There shall be no restrictions on the building's interior.

Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character.

No exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6666 § 1, 1989)

16.52.440 - The Atlantic Studio.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Atlantic Studio.

- A. Location, description and reasons for designation. Located at 226 Atlantic Avenue in the City of Long Beach, this small scale commercial structure combines Art Deco and Gothic Revival design in a very unique and distinctive facade. Built in 1933, this is a relatively late example of Art Deco styling, constructed at a time when the style had already gained popular acceptance. The combination of Gothic Revival and Art Deco was sometimes used for "skyscrapers" of the late twenties and early thirties. Finding these styles on a small scale commercial building is unusual, and this building has a unique charm that is quite individual.

The Atlantic Studio is an established and familiar visual feature of downtown Long Beach, having existed there in unchanged form for fifty-six (56) years. Its unique and charming facade distinguishes it from other small commercial buildings.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6672 § 1, 1989)

16.52.450 - The Barker Brothers Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Barker Brothers Building.

- A. Location, description and reasons for designation. Located at 215 Promenade Plaza in the City of Long Beach, the Barker Brothers Building was the headquarters building in Long Beach for Barker Brothers, a major retailer of Los Angeles. It was a major downtown department store, selling furniture. It symbolizes the economic growth of the City, and the development of downtown as a business and retail center.

The Art Deco architectural style was characteristic of 1929, the year it was constructed. Windows are grouped in vertical strips, divided by vertical piers and pilasters. Window spandrels contain a decorative motif, here a simple diamond.

The Barker Brothers Building anchors a prominent corner in downtown Long Beach, forming a visual pair with its neighbor across the Promenade, the Insurance Exchange Building. Both are an Art Deco pair, and are reminders of the commercial and business center of Long Beach of that period.

Finally, Barker Brothers' corner location at an important intersection of downtown Long Beach's major commercial streets makes it an established and familiar visual feature of the community.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6665 § 1, 1989)

16.52.460 - The Buffums Autoport.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Buffums Autoport.

- A. Location, description and reasons for designation. Located at 119-121 West First Street in the City of Long Beach, the Buffums Autoport is the only remaining remnant of the site of Long Beach's most prominent department store, Buffums, originally located at this site and demolished in 1980. The garage was added to the older store in 1940 in order to better accommodate the automobile, indicating the importance of automobile access to the retail trade.

The garage is a classic example of the Streamline Moderne, from its design to the "Autoport" sign. The choice of this style was not only typical of its era, but thematically appropriate, as the imagery of the Streamline Moderne style derived from modern transportation. Horizontal lines, streamlined curves, sleek geometric forms, flat continuous surfaces typical of the style alluded to the speed of modern cars, planes, trains, and ships in motion. The elegance of this garage design is evident in the antenna-like pole on top of the semicircular projection, and the Moderne styling of the Autoport sign.

The sophisticated and elegant architectural styling of a mundane function - a garage - is unusual and innovative, and should be an inspiration to the contemporary urban designers.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6665 § 2, 1989)

16.52.470 - The Security Pacific National Bank Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Security Pacific National Bank Building.

- A. Location, description and reasons for designation. Located at 102-110 Pine Avenue in the City of Long Beach, the Security Pacific National Bank Building represents the financial and commercial growth of the City of Long Beach during the boom of the twenties. Originally called Security Trust and Savings Bank, it sprang from the 1921 merger of that institution with the earlier consolidation of National Bank of Long Beach and the Long Beach Trust and Savings Bank. P.E. Hatch, former cashier of the Bank of Long Beach and President of the National Bank of Long Beach, became vice-president and general manager of Security Bank's local activities. Offices above the bank housed prominent local law firms Clock McWhinney and Clock and Denio, Hart, Taubman and Simpson, and other important businesses.

Constructed in 1924, this is a classic Beaux Arts building of the twenties. Divided into three (3) parts of base, midsection, and attic, it is clad in contrasting light marble and dark red brick and crowned with a classical cornice. The three-story base has a recessed entryway behind giant

Corinthian columns. The ornament is classically derived.

The Security Pacific National Bank Building was designed by prominent Los Angeles architects Curlett and Beelman, who had earlier designed the Farmers and Merchants Bank a few blocks away. Curlett and Beelman's distinguished career included the Pacific Coast Club, and notable buildings in Los Angeles, among them the Elks Building. It is a prominent visual feature of the downtown streetscape, due to its location on a prime corner, and to its striking and elegant architectural design.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally, except that the interior public space known as the lobby contains valuable historic design features and materials, and should be preserved, and any alterations, additions, or changes affecting the lobby shall require a Certificate of Appropriateness from the Cultural Heritage Commission.

(Ord. C-6665 § 3, 1989)

16.52.480 - The American Hotel.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The American Hotel.

- A. Location, description and reasons for designation. Located at 224-230 East Broadway in the City of Long Beach, the American Hotel is one of the oldest surviving commercial buildings in downtown Long Beach, and the second oldest one documented. Built in 1905, it is evidence of the first phase of Long Beach's commercial development in the early 1900s. It exemplifies mixed-use development typical of that period, with commercial shops on the ground floor and residential use on the upper two (2) floors. The Broadway facade shows characteristics of the Romanesque Revival style, popular in the 1890s. The broad, flat piers dividing the Broadway facade, the rusticated stone keystones and semicircular arches are typical of that style. This is a unique example of that style in Long Beach.

The American Hotel is one of the oldest commercial buildings in downtown Long Beach. Along with the 1906 First National Bank of Long Beach Building at First and Pine (now being restored and renovated), and the recently renovated Masonic Temple at 228 Pine (1903), it is a rare surviving commercial building from the early 1900s. It commemorates the early commercial development of downtown Long Beach, which makes it worthy of preservation.

- B.

General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally, but should the modernization of the ground floor storefronts be removed, the ground floor renovation should be externally consistent in materials and design with the historical period of the building.

(Ord. C-6672 § 2, 1989)

16.52.490 - The 312-316 Elm Avenue Commercial Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The 312-316 Elm Avenue Commercial Building.

- A. Location, description and reasons for designation. Located at 312-316 Elm Avenue in the City of Long Beach, this building exemplifies the tremendous economic expansion that drove the City's growth in the twenties, spilling over even into the early years of the Depression.

Constructed in 1930, this building is one of the finest Art Deco buildings in downtown Long Beach, an excellent and intact example of that style. Remarkably, all the original storefronts survive in the original design, with recessed entryways and colored tile bases. The facade is grouped into three (3) sections by fluted piers. The second story windows are capped with chevrons, and covered with ornate Art Deco metal grilles. The design is entirely unaltered, and retains the freshness and exuberance of the Jazz Age. Its architecture quality deserves to be preserved. It is one of a number of small-scale Art Deco commercial buildings in downtown Long Beach which recall the City's economic growth in the twenties. This was the second major phase in the City's growth and development, the first one occurring in the early 1900s.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes, including repainting, shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes.

Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6672 § 3, 1989)

16.52.500 - First United Presbyterian Church.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: First United Presbyterian Church.

- A. Location, description and reasons for designation. Located at 600 East Fifth Street in the City of Long Beach, First United Presbyterian Church represents the history and development of religious institutions in the City of Long Beach. The Presbyterian denomination established its first foothold in Long Beach on this site, with the founding of its congregation and the construction of its original building here in 1905. The existing building, constructed in 1939, is an outstanding example of Gothic Revival style, a style particularly appropriate for churches, based on European examples of the Gothic style of the middle ages. This style was often used for churches in the first two (2) decades of this century in the U.S.A.

The great Gothic-styled wood beamed ceiling of the church sanctuary represents a unique type of Gothic Revival design within the parameters of that style. Additionally, the U-shaped landscaped courtyard evokes a cloistered configuration reminiscent of European precedents and the notion of "sanctuary" as an oasis within the City.

The First United Presbyterian Church building represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristics, its distinctive Gothic Revival architecture constitutes an important visual landmark on a prime corner of downtown Long Beach.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The building's interior and exterior shall be regulated by the provisions of this Section.

Any alterations, modifications or repair of the building's interior or exterior shall be consistent with its historic character, and no changes of any kind, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6672 § 4, 1989)

16.52.510 - Walkers Department Store.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: Walkers Department Store.

- A. Location, description and reasons for designation. Located at 401-423 Pine Avenue in the City of Long Beach, Walkers Department Store exemplifies the burst of retail development that occurred in the twenties as part of an economic boom in Long Beach. Several local department stores were

established around that time (i.e., Famous, now Thrifty Drugs, Buffums, Barker Brothers), most of which are today out of business. Pine Street was then the primary shopping district of Long Beach. This building is associated with Long Beach's tremendous economic growth in the twenties, and the flourishing of local retail business.

The architectural style of Walkers Department Store blends two (2) distinct traditions: Art Deco and Renaissance Revival. The rectangular building profile, balance between verticals and horizontals, and solidity of a distinct ground floor base are Renaissance Revival characteristics. However, the vertical ground pilasters, grouping of windows, decorative window spandrels, and decorative motifs are Art Deco in nature. Constructed in 1929, the architecture of this building exemplifies the transition from a traditional style to a new modern style. Meyer and Holler, the architects, was a prominent Los Angeles firm whose most famous building was Grauman's Chinese Theater in Hollywood. They also designed two (2) other Hollywood landmarks: Grauman's Egyptian Theater and the Security Pacific Bank. In Long Beach they designed the Fox West Coast Theater (demolished) and the Ocean Center Building.

Walkers Department Store is part of the original Pine Avenue retail commercial district during the boom years of the twenties, representing the economic growth of Long Beach and recalling the predominance of Pine Avenue as downtown's major retail corridor.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The building's interior and exterior shall be regulated by the provisions of this Section. There shall be no restrictions on the building's interior.

Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character.

No exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6672 § 5, 1989)

16.52.520 - The Engine Company No. 8 Building.

Pursuant to provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Engine Company No. 8 Building.

- A. Location, description and reasons for designation. Located at 5365 East Second Street in the City of Long Beach, Fire Station No. 8 represents the expansion of City services to the neighborhood of Belmont in a combined fire and police facility.

Opened as the Belmont Fire and Police substation on August 1, 1929, it housed two (2) fire platoons. The police substation, the first in the City, opened the following month.

The Italian Renaissance Revival style evidenced here occurs throughout the twenties as one of several popular "period revival" styles. Its use as late as the late twenties indicates a conservative choice for a public building, and one that blends in well with its surrounding neighborhood. The red tile roof is an explicit Mediterranean characteristic.

This landmark is part of a collection of small-scale period revival commercial buildings on Second Street, and relates to homes in the surrounding neighborhood characterized by Mediterranean-styled homes. It is an established and familiar visual landmark of Belmont Shore due to its architectural character and to its corner location at the east end of the Second Street commercial strip.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6682 § 1, 1990)

16.52.530 - The Golden House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Golden House.

- A. Location, description and reasons for designation. Located at 628 West Tenth Street in the City of Long Beach, the Golden House is one of the earliest built in Willmore City c.1886, and the oldest known remaining building in the City of Long Beach.

It is associated with the life of persons significant in the past having been built by William Widney and later owned by C.D. Paine, F.W. Stearns and Stephen Townsend.

This Carpenter Gothic cottage styled building is a particularly small-sized example of its style and may have been a "display" model, or built as a land sales office or depot prior to use as a residence. The cottage is of single-wall construction and is the last known example of this type of construction to have survived intact in the City.

Golden House dates back to the early Willmore City days, pre-Long Beach and is of an architectural style that was not often used in the area. It may have been the first building in the then-newly developing west side of the townsite of Willmore City. Its single-wall construction was common to the time and provides information on lifestyles in early Willmore City. Wall coverings and ceiling materials which are labelled "Steinway and Sons, New York" also give information about the early life of the citizens, as do the variety of wall coverings, paint colors, and floor coverings which exist in the building.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes, including repainting, shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be deemed to restrict internal modifications to the building not visible externally.

(Ord. C-6682 § 2, 1990)

16.52.540 - The Masonic Temple.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Masonic Temple.

- A. Location, description and reasons for designation. Located at 835 Locust Street in the City of Long Beach and constructed in 1927, the Masonic Temple was the headquarters of a major social institution, whose members included many prominent citizens of Long Beach. The building served as the headquarters for an important fraternal order, and was used by many other service clubs of Long Beach as well.

The Greek Revival architectural style was one of a number of period revival styles popular during the 1920s. The severe Greek classical temple facade of this building invokes memories of classical antiquity.

The building contains a number of large assembly halls typical of a fraternal social order. In this building, each hall is decorated in a different exotic revival style: Egyptian, Roman, etc. The building also contains a fully equipped theater.

The architects, Parker O. Wright and Francis H. Gentry, had distinguished careers in the City of Long Beach. They designed the Scottish Rite Temple, the First Methodist Church at Third and Linden, thirteen (13) Long Beach schools and twenty-five (25) schools in Southern California, and many residences and businesses. Due to its scale and its imposing architectural features, it stands out in its community as a unique and monumental building, and as such represents an established and familiar visual feature of its neighborhood.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983) as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the building shall be consistent with its historic character, and no changes of any kind, including exterior repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6682 § 3, 1990)

16.52.550 - The Pacific Tower.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Pacific Tower.

- A. Location, description and reasons for designation. Located at 205-19 Long Beach Boulevard in the City of Long Beach, The Pacific Tower was the first twelve-story office building in Long Beach when built in 1923, and was the first "Own-Your-Own" office building in the United States.

Attorney Joseph A. Ball's first private office was in the building as were the offices of Attorneys William H. Cree, Walter Desmond, Jonah Jones, Jr., Clark and Thomas Doyle, C.V. Hawkins, F.A. Knight and Phillip H. Goddard, Donald P. Lane and Lewis P. Lane, George F. Kapp, and Stephen G. Long, Jr.; the offices of doctors F.C. Hertzog, R.L. Buffum, and Izak Alcazar; the offices of architects Horace Austin and C.H. Gibbs. These prominent citizens are just a few of Long Beach's pioneers who are listed in City Directories with offices in this building.

Naomi Celeste Tompkins, Vice-President of City National Bank at the time the building was built, was thought to be the only female vice-president of a national bank at that time.

Government offices were located in the building and included the U.S. Coast Guard, State Board of Equalization, the U.S. Federal Housing Administration, State Board of Education, and U.S. Probation Offices.

It is significant that the Times Mirror Company of Los Angeles owned the building. And, that the Western Headquarters of the AARP in Long Beach moved to this building in 1967 and named the building after their founder, Dr. Ethel Percy Andrus.

The Renaissance Revival style was the prestigious architectural style of the mid-twenties for major commercial buildings, hotels, and other significant structures. This building remains one of the most visually prominent and handsome buildings in downtown Long Beach. The architect, W. Horace Austin, was a prominent Long Beach architect who practiced from 1900 to 1942. His obituary called him the "Dean of Architects" in Long Beach. He designed the old City Hall (demolished) Horace Mann Elementary School, Wilson High School, the original Buffum's Department Store (demolished), the YMCA (demolished), the Long Beach Airport Terminal, the Press-Telegram Building, and many other buildings and residences. He was a resident architect on the Municipal Auditorium. In Santa Ana he designed City Hall, the Masonic Temple and the Bower Memorial Museum. The Seal Beach City Hall and Fire Station and the San Pedro Post Office and Customs House were also Austin designs. He worked in Bellflower, Perris, Riverside and Whittier as well.

This twelve-story building complements the Insurance Exchange Building and the Barker Brothers Building along Broadway and, together, they anchor the corners of Long Beach Boulevard and The Promenade.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983) as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The building's exterior shall be regulated by the provisions of this Chapter. There shall be no restrictions on the building's interior.

Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character. No exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6682 § 4, 1990)

16.52.560 - St. Anthony's Church.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: St. Anthony's Church.

- A. Location, description and reasons for designation. Located at 540 Olive Avenue in the City of Long Beach, St. Anthony's Church is the major Catholic church of Long Beach, and the "mother" church from which this religious institution grew. First founded on this site in 1902, successive buildings mirrored the growth of the congregation and the development of the City. Outgrowing the first building which was dedicated in 1903, the second church of 1914 was destroyed in the 1933 earthquake. It was quickly rebuilt and dedicated in early 1934. The facade with mosaics was added in 1953. This building is associated with an important religious institution and with the history and development of Long Beach.

The Gothic Revival style was popular in ecclesiastical architecture. This is a particularly rich and ornate version of that style, with the use of mosaic decoration reflecting an Italian heritage. The use of mosaic decoration on the church facade and the interior of the sanctuary represents unusual craftsmanship and innovation in Southern California. The mosaic work was executed by Italian craftsmen, and imported and installed on-site. The coloristic richness of the facade achieved by this means lends decorative distinction to this building.

The building is situated at the edge of a residential neighborhood, and has a strong visual presence there. Its scale, colorful facade and twin towers are strong distinguishing visual characteristics which make it a neighborhood landmark.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The above standards and guidelines shall apply solely to the church sanctuary, the large ficus tree in front of the rectory and the statue of St. Joseph in the garden. Any alterations, modifications or repair of these features shall be consistent with their historic character, and no such changes shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

16.52.570 - St. Luke's Episcopal Church.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: St. Luke's Episcopal Church.

- A. Location, description and reasons for designation. Located at 703 Atlantic Avenue in the City of Long Beach, St. Luke's Episcopal Church has been a center of religious, social and cultural activities in Long Beach since a church was first built on this site in 1917. After being destroyed by the 1933 earthquake, the rebuilding of the church demonstrated the commitment of church leaders in the face of disaster. The Reverend Perry G.M. Austin, rector of the church during this time, mobilized nationwide support for the rebuilding of the church, including Eleanor Roosevelt, J.P. Morgan, Felix Dupont, Judge Augustus Hand and Senator Walter G. McAdoo, among his donors. The cornerstone for the rebuilding was laid on March 19, 1934, just a year and nine (9) days after the earthquake. The dedication on July 15th attracted an enormous crowd. Many prominent local citizens were members of the congregation. It exemplifies the cultural (religious), social and historical heritage of the City in relation to a major religious institution which has been located at this site since 1917.

The architectural style, Gothic Revival, appears often on historic churches. This version of the style, English/Tudor Gothic Revival, exemplifies period revival architecture of the teens and twenties.

The site consists of a complex of separate buildings unified in a rectangular plan around a central open courtyard. The inclusion of an open courtyard as a spatial feature uniting various buildings is reminiscent of a medieval cloister. The entry narthex is also reminiscent of an architectural feature found in early medieval churches. It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristic. Its prominent location at the corner of Seventh and Atlantic, and its single tower crowned with a tall copper spire, make it a visual landmark in the community.

The building contractor, C.T. McGrew, had a long and distinguished career in the City, and constructed many buildings which have become City landmarks or are known as significant buildings, such as the First Congregational Church, the Pacific Coast Club, Belmont Methodist and Congregational Churches, and numerous business buildings.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The general guidelines and standards shall apply solely to the structure bounded by Atlantic Avenue, Seventh Street and the alley westerly of Atlantic Avenue. No part of this Section shall apply to church property on the westerly side of said alley.

Any alterations, modifications or repair of the affected features shall be consistent with its historic character, and no such changes shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

16.52.580 - The First Church of Christ Scientist.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The First Church of Christ Scientist.

- A. Location, description and reasons for designation. Located at 440 Elm Avenue in the City of Long Beach and built in 1913, the First Church of Christ Scientist was Long Beach's first Christian Science Church. As such, it established an important religious institution in this City. Additionally, this church was one of the few downtown churches to survive the 1933 earthquake relatively undamaged and, therefore, is one of the oldest churches in Long Beach.

This building is an excellent example of the classic Renaissance Revival style of architecture, derived from European models, which was popular during the early years of this century for monumental buildings of public importance. Its red tile roof is reminiscent of more vernacular Mediterranean or Spanish Colonial Revival architecture typical of this region.

The architect, Elmer Grey, was an important Los Angeles architect who designed many buildings which today are considered to be landmarks: the Beverly Hills Hotel, the Pasadena Playhouse, and the First and Second Churches of Christ Scientist in Los Angeles, in association with Myron Hunt, he also worked on Occidental College. He also designed many notable homes and mansions.

This landmark is part of a collection of monumental historic churches built in downtown Long Beach in the teens and twenties, and embodies a particular cultural theme related to the diversity and strength of these religious institutions in this City. Its monumental scale and impressive architecture features make it a visual landmark downtown.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes.

16.52.590 - The Thrifty Drug/Famous Department Store.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Thrifty Drug/Famous Department Store Building.

- A.

Location, description and reasons for designation. Located at 601-609 Pine Avenue in the City of Long Beach, the Thrifty Drug/Famous Department Store Building was originally built as the Famous Department Store Building in 1929. Located at a prime corner in downtown Long Beach, it demonstrates the economic growth of Long Beach in the twenties in the retail sector. The oil industry and tourism propelled the boom of the twenties in Long Beach, encouraging new commercial growth such as this new store.

The building is one of the finest examples of Art Deco in downtown Long Beach, and is a strong visual presence on a prominent corner. Typical of the Art Deco style are the stepped back vertical piers, the vertical grouping of windows, and the chevron design motif. The 1937 top floor addition shows the influence of the International Style, but integrates skillfully in the older building.

The architectural firm of Morgan, Wall and Clements created major landmark buildings in Los Angeles and Southern California, significantly influencing the urban design of the region. Their work includes the Wilvern Theater, the Samson Uniroyal Tire Factory in Commerce, the Chapman Buildings, the Owl Drug Company, the Mayan Theater, the Belasco Theater, the Pantages Theater, the Richfield Building (demolished) and many others.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any exterior alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any exterior alterations, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be construed to restrict internal modifications to the building not visible externally.

(Ord. C-6691 § 1, 1990)

16.52.600 - 453 Cedar Avenue.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: 453 Cedar Avenue.

- A. Location, description and reasons for designation. Located at 453 Cedar Avenue in the City of Long Beach, this house is an important, high quality example of late Victorian residential architecture, built in the early twentieth century during the first period of extensive settlement in the City when its first residential neighborhood was developed. This neighborhood was located close to the downtown business quarter. The large scale and architectural grandeur of many of these houses indicate that they were built for prominent and successful local citizens. The house at 453 Cedar is an excellent example of this type of structure, and maintains its historical characteristics intact.

The house is an excellent example of late Victorian architecture, with Colonial Revival overtones, constructed in 1905. Its tall proportions, double recessed porches, bay windows, and decorative fish-scale shingles in the front gable are typical features of the Victorian style. Colonial Revival elements appear in the second story balustrade, the classically shaped capitals of the rectangular porch supports, the molded entablatures dividing each story, the lintel with brackets inside the front gable, and the pediment shape of the gable.

This is a major contributor to the City's first residential district, and should be preserved as evidence of the wealth, importance and social aspirations of those early residents.

It is prominently sited on a corner, and because of its scale, architectural grandeur and tall proportions, constitutes a visually prominent landmark in its neighborhood.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any exterior alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any exterior alterations, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes, including repainting, shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be construed to restrict internal modifications to the building not visible externally.

(Ord. C-6691 § 2, 1990)

16.52.610 - 629 Atlantic Avenue.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: 629 Atlantic Avenue.

- A. Location, description and reasons for designation. Located at 629 Atlantic Avenue in the City of Long Beach, this large, late-Victorian residential structure is a visible reminder of an earlier period in Long Beach's history, when Atlantic Avenue was lined with large single-family residential homes. The homes built in the late nineteenth and early twentieth centuries have been replaced by commercial structures and multifamily building as the street developed into a primary business corridor. This is one of the only structures to survive on Atlantic from the first residential phase of the street's history. Built in 1906, it is one of a number of similar buildings of the period downtown that formed Long Beach's first residential district. Thus, it is linked in architectural style and historical period with other similar residential structures which have survived over time, evoking the character and the geography of the first phase of Long Beach's residential development. This building has been a prominent part of the streetscape of a major Long Beach

street since the early twentieth century, and has become even more unique over time as the street has developed with new construction around it. Today, its Victorian architecture is an established and familiar feature of the street and is unique in its linkage to the past.

This is an excellent example of late Victorian architecture, with many of the features of the Queen Anne style. Its tall configuration of three (3) stories, the cross gable roof, the asymmetrical composition, bay windows and decorative shingles are all hallmarks of that style.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the building shall be consistent with its historic character, and no changes of any kind, including exterior repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission. Nothing in this Section shall be construed to restrict internal modifications to the building not visible externally.

(Ord. C-6691 § 3, 1990)

16.52.620 - The Second Church of Christ Scientist.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Second Church of Christ Scientist.

- A. Location, description and reasons for designation. Located at 302—7th Street/655 Cedar Avenue in the City of Long Beach, The Second Church of Christ Scientist is a magnificent example of Italian Renaissance church architecture, with beautifully designed interiors. It is an important work of architecture, and testifies to the strength and pride of the religious institution which commissioned it, it evidences the growth of the Christian Science Church, which constructed this large-scale church in 1924 just eleven (11) years after its first monumental church at 440 Elm. It is an excellent example of Renaissance Revival classicism, based on models from Roman antiquity. The freestanding two-story Corinthian columns of the open portico, framed by paired pilasters, the classical entablature and triangular pediment, and the central dome, are all hallmarks of that style. The lower story exterior facing simulates cut stone blocks. Three (3) sides of the structure are symmetrical, with a central pediment. A photograph and description of this building is used in the important reference book on Southern California architecture, Gebhard and Winter's "Architecture in Los Angeles: A Complete Guide" (1985). It appears on page 478 as an example of Beaux Arts, City Beautiful Classicism. It is one of a group of historic churches downtown built in period revival styles on a monumental scale, evidence of the strength and contribution of religious institutions to the environment of downtown Long Beach. It is evidence of a cultural motif, based upon the vitality of organized religious institutions in Long Beach. Architecturally, most of these churches were designed either in Renaissance Revival or Gothic Revival styles.

Its monumental scale, its simple and powerful architectural elements, and its prominent corner location give it a visual prominence in a lot scale residential neighborhood and make it a landmark of the community.

- B.

General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

The building's interior and exterior shall be regulated by the provisions of this ordinance.

Any alterations, modifications or repair of the building's interior or exterior shall be consistent with its historic character. No interior or exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6691 § 4, 1990)

16.52.630 - The First Methodist Episcopal Church/Christian Outreach Appeal Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The First Methodist Church/Christian Outreach Appeal Building.

- A. Location, description and reasons for designation. Located at 503-15 East Third Street in the City of Long Beach, the First Methodist Episcopal Church/Christian Outreach Appeal Building is one of a group of monumental historic churches constructed downtown to serve the expanding religious needs of the growing City. This was the first Methodist Episcopal Church in Long Beach, built in 1924.

The architectural design of this church is primarily Colonial Revival. The two main facades of the building, which is sited on a prominent corner downtown, are defined by a classical temple front in white, in relief on the brick facade. Between the engaged Doric pilasters are large arched windows, divided into two (2) stories and subdivided into rectangles, arches and circles. The glass is original, and is tinted in subtle pastels. The corner doorway is a Classical Renaissance design with a triangular pediment. Other Colonial Revival elements are the corner quoining, the projecting cornice, the brackets supporting the cornice, the fanlight inside the main pediment. The use of red brick with white decorative accents is also typical of that style.

The architects, Parker O. Wright and Francis H. Gentry, were important and influential architects with their office in Long Beach. They specialized in schools and public buildings, designing more than twenty-five (25) schools in Southern California. In Long Beach, they were architects for the Horace Mann School, the John C. Fremont, Temple Avenue and the Seaside Schools. They drew the plans for the Burnett Library, for the Fire Stations Nos. 7 and 8, and the Fire Alarm Bureau. They designed the Scottish Rite Masonic Temple and the York Rite Masonic Temple, both designated City landmarks. Mr. Gentry, a structural engineer, was himself a member of the Masonic Club, as well as other civic organizations.

The building's prominent siting on a corner location downtown, its large scale and elegant design, give it visual prominence downtown. It has been an established and familiar visual feature of the downtown community for sixty-five (65) years.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and

standards as recommended by the Cultural Heritage Commission are adopted:

Only the building's exterior shall be regulated by the provisions of this ordinance. Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character. No exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6762 § 1, 1990)

16.52.640 - The Long Beach Airport Terminal.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Long Beach Airport Terminal.

- A. Location, description and reasons for designation. Located at 4100 East Donald Douglas Drive in the City of Long Beach, the Terminal is part of an airport that is significant as the first municipal airport in the Southern California region, preceding LAX by three (3) years. Long Beach was a pioneering center of aviation in Southern California, with the accomplishments of men such as Earl S. Daughtery and Calbraith Henry Rodgers. Rodgers completed the first transcontinental flight from New York to Long Beach in 1911, Daughtery built airplanes, ran a flying school, encouraged the City to found a municipal airport and, in many ways, advanced the field of aviation in its early days. Long Beach Airport was originally called Daughtery Field. Two (2) other Long Beach aviation adventurers, Clyde Schlieper and Wes Carroll, set a world's record in 1939 for the longest sustained flight thirty (30) days in the air. They departed and returned to Marine Stadium in Alamitos Bay.

The Long Beach Airport has been a significant part of the City's economy since its founding in 1924, and an important factor in Long Beach's economic growth. The establishment of Douglas Aircraft Co. in Long Beach in 1940 (today, McDonnell Douglas) was primarily due to the existence of the Long Beach Airport.

The Airport Terminal (1941) is a masterpiece of the early modern style, bridging the transition from the modernistic Streamline Moderne style of the 'thirties to the geometric abstraction of the post-war International Style. It was an avant-garde work of architecture for its time, and is a unique building in the City of Long Beach. The architects, W. Horace Austin and Kenneth Wing, Sr., were important Long Beach architects, each with a significant body of work in the City and the region. Austin's designs include the Long Beach City Hall, the Pacific Tower, the Woodrow Wilson and Horace Mann High Schools, the YMCA building, the original Buffum's Department Store (demolished), the Press-Telegram building, the San Pedro Post Office, the Santa Ana City Hall, the Bower Museum in Santa Ana and the Santa Ana Masonic Temple. Kenneth Wing designed the Harriman-Jones Clinic, the Southern California Edison building, the physical education building and cafeteria at California State University, Long Beach, and a number of schools, churches and fine homes. He was associated with Allied Architects in the design of Long Beach City Hall and Library, and the Terrace Theater and Exhibit Halls. He was also involved with the design of the original main building of the Memorial Medical Center of Long Beach.

The use of ceramic mosaic floor tiles throughout the building was an innovative way to include extensive mural decoration as public art in a building with a lot of glass and other functional constraints. The themes and decorative style of the ceramic murals were unique and innovative.

Although the imagery was representational, the stylized forms reflected modern post-war artistic trends. The symbolic elements were selected to enrich the experience of the traveler, and evoke a larger context for air travel with allusions to other forms of transportation and communication in the world.

The Airport Terminal is the quintessential theme building of the airport, and its signature element. It should be preserved as reflecting the identity and distinctiveness of the Long Beach Airport.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any alterations, modifications or repair of the building's exterior or interior shall be consistent with its historic character. No exterior or interior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6730 § 1, 1990)

16.52.650 - The Long Beach Museum of Art.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Long Beach Museum of Art.

- A. Location, description and reasons for designation. Located at 2300 East Ocean Boulevard, the Long Beach Museum of Art was built in 1912 as a summer home by Elizabeth Milbank Anderson, a wealthy philanthropist and heir to Jeremiah Milbank, who was a financier, a co-founder of the Borden Company, and a founder of the Chicago, Milwaukee and St. Paul Railroad (in 1863, later extended to the Pacific Coast). According to Fortune magazine, "A number of Milbanks have been considerable figures in the industrial history of the U.S. and the family has also left its mark on the educational and medical institutions of the country." (May 1959) Elizabeth Milbank Anderson (1850-1921) was an energetic, strong-minded woman with a wide range of interests. She was a successful businesswoman, a philanthropist, and an art collector who traveled frequently to Europe. She established Milbank Memorial Fund in 1905, which gave grants to various medical and educational projects; this fund is still in existence. She donated a library to Greenwich, Connecticut, and gave three (3) blocks of choice New York City land to Barnard College, upon which was built Milbank Hall. She built public facilities for the poor, such as a sports arena and public baths, and established a program of free school lunches. Her husband, Abram A. Anderson, was a well-known portrait painter and friend of Teddy Roosevelt.

This large house was built on the bluff to take advantage of one of the City's prime assets - the ocean view. The house is a splendid and imposing example of the Craftsman Bungalow, a style popular in the period 1905 - 1915. It is similar to others of that style built around the same time near the ocean bluff along Ocean Boulevard and First and Second Streets in what is now the Bluff Park Historic District, and thus represents an early stage in the residential development of Long Beach. Later, in 1926, the home became the Club California Casa Real, an important social institution of Long Beach. It was owned from 1929 - 1944 by Thomas A. O'Donnell, a pioneer oil industrialist. During the

Second World War, it was used by the Navy as the Chief Petty Officers' Club. In 1950, it was purchased by the City for a Municipal Art Center and was renamed in 1957 as the Long Beach Museum of Art. Thus, its succession of uses has mirrored important stages in the history of the City.

The building is a classic example of the California Craftsman Bungalow, using the natural materials and rugged texture of wood shingles and clinker brick. The prominent gables, projecting rafter beams and horizontally are all typical of the style. The exterior of the main house and carriage house retain their original integrity and have not been altered. This style is echoed by several similar homes nearby in the Bluff Park Historic District.

The Milwaukee Building Company was an influential architectural firm which did other work for the Milbank family and associates. Isaac Milbank, a co-founder of the Borden Milk Company and an oil investor, had a magnificent Craftsman summer home constructed for him in 1911 by the Milwaukee Building Company on a bluff overlooking the ocean in Santa Monica. At the same time, the Milwaukee Building Company constructed a similar home on the same street in Santa Monica for retired hotel proprietor Henry Weaver, who owned several Midwest hotels.

The Milwaukee Building Company later became the Los Angeles firm of Meyer & Holler, an eminent firm which constructed numerous landmark buildings. Their most famous designs were the Chinese and Egyptian Theaters in Hollywood. In Long Beach, they designed the Ocean Center Building, Walkers Department Store and the Fox West Coast Theater (demolished).

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised 1983), as amended, are incorporated by reference, and the following additional guidelines and standards as recommended by the Cultural Heritage Commission are adopted:

Any exterior alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any exterior alterations, modifications or changes shall follow the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes. Nothing in this Section shall be construed to restrict internal modifications to the building not visible externally.

(Ord. C-6730 § 2, 1990)

16.52.660 - The Harnett House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Harnett House.

- A. Location, description and reasons for designation. Located at 730 Sunrise Boulevard in the City of Long Beach, the Harnett House was built in 1918 by one of Long Beach's pioneer families, who emigrated here from England in 1889 and first settled on a nearby farm. Many members of this family contributed significantly to the educational, civic and cultural development of Long Beach, most notably: Jane Elizabeth Harnett, head of the History Department of Long Beach High School and Polytechnic High School, author of the first history of the City of Long Beach and participant

in the City Charter revision; Tom Harnett, one of the founders of St. Luke's Episcopal Church; Edward H. Harnett, Director of Public Service and City Engineer for the City of Long Beach; Dr. Frank Harnett, Director of Municipal Recreation for the City of Long Beach 1933 - 1962 and founding Chairman of the Cultural Heritage Committee for the City.

Harnett House has been in the continuous ownership of one (1) family, a family which was one of the pioneer settlers in the City, arriving here from England in 1889. It is a large and excellent example of the Craftsman bungalow style, which was prevalent throughout the period c. 1900 -1920. The use of brick for the chimney, pillars and foundation walls, exterior walls clad in wood clapboard and shingles, prominent gable, three-part windows with multipane lights at the top, flat board window and door frames, and deep porch are all typical features of this style. This variation uses Tudor half-timber patterns inside the gables, an element sometimes found within the Craftsman style.

Architect Kenneth S. Wing remodeled the house in 1944, expanding the rear portion of the house and kitchen. It is one of the largest and most impressive of a grouping of Craftsman bungalows existing in its neighborhood, which forms a potential bungalow historic district. The curving streets of Lime Avenue, Olive Avenue, Vernon Avenue and Sunrise Boulevard bounded by Atlantic on the west, Willow on the north, the PE Right-of-Way on the south and the City of Signal Hill on the east contain a number of Craftsman bungalows, both large and small, as well as other early architectural types, that may become a designated historic district. This is one of the most visually prominent Craftsman bungalow homes in the neighborhood.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character. No exterior changes, including repainting, shall be permitted unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6732 § 1, 1990)

16.52.670 - 240 Long Beach Boulevard.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: A commercial structure at 240 Long Beach Boulevard.

- A. Location, description and reasons for designation. Located at 240 Long Beach Boulevard in the City of Long Beach, this commercial building was built in 1924 and has been in continuous commercial use in downtown Long Beach for over fifty (50) years. Its Streamline Moderne facade, added in the 1930s, is an intact and typical period piece. Framed by curving piers with vertical accents, the facade exhibits the typical three (3) horizontal lines and chevron moldings. The south pier rises in three (3) curved steps to form a characteristic tower reminiscent of the contemporary "skyscrapers". The separation of the transom from the display windows below is typical of the original 1924 building. The facade, a classic Streamline Moderne design, is the result of post-earthquake repairs, representing the rebuilding of downtown Long Beach in the "modernistic" style of the 1930s.

As home to Acres of Books, it is an established and familiar feature on Long Beach Boulevard that has a regional attraction. Acres of Books is a unique and highly valued bookstore which has been in continuous operation as a family-run business for over fifty (50) years. It is a mecca for bibliophiles, and is widely recognized as a unique cultural resource all over the region.

Bertrand Smith, who established Acres of Books in Long Beach in 1936, was a nationally recognized antiquarian book dealer. In 1959 he made a very generous and important gift to the City of Long Beach, donating more than two hundred and fifty (250) rare and old editions to the Long Beach Public Library. These volumes are now kept in the Miller Room. As a philanthropist and benefactor to the City and its people, Mr. Smith was a person significant in the past.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

No environmental changes shall be permitted to the exterior of the building unless a Certificate of Appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6763 § 1, 1990)

16.52.680 - 320 East Bixby Road.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: A mixed use residential/commercial structure at 320 East Bixby Road.

- A. Location, description and reasons for designation. Located at 320 East Bixby Road in the City of Long Beach, this mixed use residential/commercial building was designed by Edward A. Killingsworth, FAIA in 1960. It is set on a small site of forty-five feet (45') by one hundred thirty feet (130'). The building is a glass cube with structural steel supports, framed by seventeen foot (17') high perimeter walls adjacent to a reflecting pool and landscaping. The perimeter walls, placed perpendicular to the street, create a dramatic vista which leads the eye inward, reinforced by a procession of rhythmically spaced crossbeams and a series of stepping stones placed in the reflecting pool. These walls are constructed of wood lath and plaster, surfaced with a pebbly texture and softened with Boston Ivy. The entry courtyard is articulated at the midpoint by a simple vertical slab which is open at both sides and which separates a front and rear courtyard. The second courtyard space contains a staircase with floating treads leading to a mezzanine level, with a landscaped garden beneath. At the top, a lath sunscreen frames the courtyard entry space, creating a rich pattern of light and shadow and reinforcing the dramatic entry vista.

The glass walls extend from floor to ceiling, creating an interior space seventeen feet (17') high, with the transparent walls allowing a spatial flow between the interior and exterior. The structural steel frame and its bolts are expressed as part of the design. The landscaping, also designed by the

architect, is integrated with the architecture, creating visual accents and softening the geometric shapes.

With its enclosing perimeter walls, the focus of the building is inward, on the interior courtyard and glass-walled interior spaces.

The crisp, pure geometry of design, the inter-weaving of interior and exterior spaces, and the use of modern industrial materials such as steel supports and glass walls, are hallmarks of the International Style.

The subtle balance of proportions, delicate and graceful forms, clarity of spatial articulation, tall soaring spaces, integration of landscaping and architecture, and use of stepping stones over a reflecting pool at the entryway, are all characteristic of Mr. Killingsworth's style.

This building won numerous architectural awards, the most prestigious being the First Prize in the 1961 Sao Paulo Biennial in Sao Paulo, Brazil, selected from entries from fifty (50) countries. Submissions to the Biennial were made by the national headquarters of the American Institute of Architects in Washington, D.C., a pre-screening process that lent additional weight to the quality of work selected to represent America in this important competition. The Sao Paulo Biennial alternates with the Biennial in Venice, Italy, as one of the most important international exhibitions of the fine arts. Earlier in 1961, this building was selected as one of the eighteen (18) finest buildings in the United States for the year 1961 by the AIA National Honor Awards Program. Additionally, in 1960 it was honored as the most outstanding building in Southern California by the Southern California Chapter of the AIA.

This building is considered by Mr. Killingsworth as one of his most important works. Mr. Killingsworth, an internationally renowned architect, is president of an architecture firm that has been located at 3833 Long Beach Boulevard for more than thirty-five (35) years. During that time, the firm has won forty-two (42) national, regional and local design awards and its work is known in Paris, London, Rome, Hong Kong, Singapore, India and Australia as well as across the United States.

This building exemplifies Killingsworth designs for the California Case Study House Program, an innovative design program that shaped architecture in the United States and Europe in the postwar years. It is unusual in being a commercial building, whereas the Case Study House program was for residential buildings. The Case Study Houses, commissioned by John Entenza and published in his influential magazine, *Arts and Architecture*, formed the cutting edge of design in America and abroad in the postwar period. Killingsworth projects for the Case Study House Program were CSH# 23, a triad of houses in La Jolla (1959-1960) and the Frank house, CSH# 25 in Naples (1962).

B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Any alterations, modifications or repair of the above structure shall be done so in keeping with its historic character, and any alteration, modifications or changes shall follow the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

The following additional standards and guidelines are adopted:

1. The building shall not be changed architecturally on its exterior and all present elevations shall remain as they now exist;
2. The colors of existing exterior materials shall remain the same;
3. Landscaping, including all trees and ivy, shall remain generally as now existing. Minor changes and additions of plant materials shall not require Cultural Heritage review;
4. The existing ceiling heights of approximately seventeen feet (17') in the building's interior shall not be changed;
5. Changes or modifications to existing walls, floors and ceilings in the reception area, corridors and front office shall be compatible in color and texture with the external and internal architecture of the building;
6. All draperies will remain a simple natural color (not white) and shall hang from ceiling to floor. Draperies may hang so that they may be opened, but not in swags or curves;
7. The reflecting pool and stepping stones shall be retained;
8. The second floor interior is not included in this environmental review by the Cultural Heritage Commission.

No environmental changes shall be permitted to the exterior of the building unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Commission or by the City Planning Commission, upon appeal, authorizing such environmental changes.

(Ord. C-6818 § 1, 1990)

16.52.690 - The Hancock Motors Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Hancock Motors Building.

- A. Location, description and reasons for designation. Located at 500 East Anaheim Boulevard in the City of Long Beach, this prestigious and important automobile dealership was related to the development of Anaheim Boulevard as "auto row," a significant fact in the City's economic profile and indicative of its economic growth. Strategically located on the main thoroughfare between the oil fields of Signal Hill and the refineries and port, the flourishing of important automobile dealerships on Anaheim Boulevard was highlighted with the opening of Hancock Motors, acting as distributor for the Hupmobile. The Hupmobile, itself an interesting chapter in the history of automobile engineering and merchandising, was produced between 1908 - 1940.

The automobile showroom is a lavishly decorated and perfectly intact example of Art Deco architecture. The open interior space is lit by large bays of plate glass windows and original Art Deco geometric chandeliers. On the exterior, broad ornamental bands accent the show windows and doorways and crown the top of the building. These bands contain a wealth of Art Deco ornament, with floral and geometric motifs. The corners are highlighted by stylized ram heads from which abstract ornament flows outward and downward. Although the show windows are slightly altered with wood paneling, and the corner doorway has been replaced, this building is an intact and

excellent example of Art Deco architecture. Today it remains as one of the most flamboyant and original Art Deco buildings that has survived, with unusual decorative richness and an unaltered interior.

The architects, Shilling and Shilling, were important local architects well known for their achievements in the Art Deco style. They designed the Lafayette Hotel, a designated City landmark, and the Moderne remodel of City Hall after the 1933 earthquake (now demolished). They also designed the American Legion Hall (1932, demolished), and the Home Market Building at 10th Street and Daisy Avenue, another City landmark. In 1933, Cecil Shilling was president of the Long Beach Architectural Club, a professional association. The consulting architect, W. Horace Austin, was an eminent Long Beach architect with a long and distinguished career.

This was the first Art Deco building in Long Beach, heralding the advent of "modernistic" architecture. Created in 1928, it was an avant-garde building, and one of the first of its kind in the Southern California area. Every ornamental detail and component was designed to be integrated with the Art Deco style, and everything was freshly conceived. The decorative details are inventive and unusual; although drawing upon eclectic sources, they are totally original in their Art Deco interpretation.

It is related to the development of automobile dealerships on Anaheim Boulevard, and represents a high point in the history of this business activity on a major thoroughfare. It recalls a period of history in which the City's major car dealers were clustered on Anaheim Boulevard. When it opened to great festivities in October 1928, it was hailed by related businesses as a welcome addition to the neighborhood.

- B. General guidelines and standards for any changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

All alterations, modifications, repairs and demolition shall require a Certificate of Appropriateness from the Cultural Heritage Commission.

The exterior and interior of the original automobile showroom shall be preserved. Original furnishings and decorations on the interior and exterior of the showroom shall not be altered or removed, unless approved by the Cultural Heritage Commission.

New construction on the site shall adhere to the referenced "Standards for Rehabilitation" of the Secretary of the Interior.

(Ord. C-6844 § 1, 1991)

16.52.700 - The Cheney-Delaney Residence.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Cheney-Delaney Residence.

- A.

Location, Description and Reasons for Designation. Located at 2642 Chestnut Avenue in the City, this high quality example of Streamline Moderne architecture exemplifies many typical features of the style, plus many fine, customized details. It is an asymmetrical single-story house, with two (2) bedrooms and a den. The forms are unified by a projecting horizontal cornice below the roofline. This horizontality is repeated in three (3) lines above the cornice, in the unified horizontal window bands and with horizontal lines on panels between the windows. The exterior has curving corners at the living room and entry canopy. The corners have wrap-around windows and a curving window bay. The entry canopy is supported by a slender metal cylinder. Behind a modern screen door, the original door has a chevron design, and original period hardware. Adjacent is a round porthole window, divided into four (4) parts, made of yellow opaque glass. The kitchen window projects in a shallow bay, articulated underneath with geometric steps. The rear door is sheltered by a curved canopy. The seafoam green exterior color may be original.

The interior contains many unique design features in the Streamline style that demonstrate fine customized craftsmanship. The entry hall is defined with a curved wall and a stepped pyramid arch. The stepped pattern is carried throughout the house, from the moldings to the living room ceiling where built-in lights are located. The kitchen contains curved corners and some period hardware. The den is paneled in blond wood, and unusual wood panels over the windows with the stepped pyramid pattern contain recessed lighting. Except for the flagstone fireplace and wall moldings in the dining room, the interior appears to be totally intact and unaltered.

The house is significant architecturally, as a very fine example of Streamline Moderne architecture, popular in the 'thirties. The style represents a fascination with modernity, and utilizes forms from abstract cubist art: the cube and the cylinder (or cylinder segment). Forms are integrated into a unified whole, with windows flowing around walls and different elements united by continuous horizontal lines. The repetition of horizontal lines and curving shapes indicate an interest in "streamlining" and the imagery of speed.

Streamline Moderne architecture is relatively rare in Long Beach, compared with the prevalence of California Bungalows, Spanish Colonial Revival and other period revival styles.

- B. General Guidelines and Standards for any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Any alterations, modifications or repair of the structure shall be done so in keeping with its historic architectural character, and any alteration, modifications or changes shall follow the Secretary of the Interior's Standards and Guidelines. All exterior changes, including exterior materials and color, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Structural alterations and the removal of any original historic materials or architectural fabric from the interior shall require a Certificate of Appropriateness from the Cultural Heritage Commission.

(Ord. C-6921 § 1, 1991)

16.52.710 - The James E. Porter Residence.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The James E. Porter Residence.

- A. Location, Description and Reasons for Designation. Located at 351 Magnolia Avenue in the City, this large two-story home, prominently sited on a corner lot, is composed of varied shaped masses arranged asymmetrically. A steeply pitched gable crowning an offset cross gable roof dominates one (1) side of the facade, balanced by an open wrap-around porch with ionic column supports. Bay windows appear on the front facade, under the porch and at the north side. The foundation is faced with rounded river rocks. The lower story is sheathed with narrow clapboard siding; the upper story with shingles. The gable interior contains diamond shingles. The triangle pattern also appears on a horizontal band above the string course separating the two (2) stories. Many of the windows contain the original leaded and bevelled glass. Other windows contain contemporary stained glass made by the current owners.

The house has been meticulously restored with rebuilt foundation, new roof, new plumbing and electrical, new exterior paint and interior restoration. The building is totally intact and has maintained its original design (see historic photograph). The only loss is the leaded glass transom over the living room window. The interior, which had been converted into a boarding house, has been converted back to a family home and restored by the current owners. The rear garage and garage addition are new, but have been designed to complement and match the main house. At the south side is a small secondary structure that is original to the house, set back from the driveway.

The building is one of the oldest large-scale historic homes in the City. It was built in 1902, and has remained intact on the exterior from its date of construction.

The original owner and building of the house was James E. Porter, who migrated from Kentucky to Arizona and finally to Long Beach. His story is typical of many early settlers of the City; he first spent his summers here, and then established his home here in 1902.

His career reflects the early history of the West. Mr. Porter worked as a land surveyor in the 1870's and early 1880's, doing survey work in Sonoma County and in Cajon Pass, California. He was part of the first survey party to map Arizona, New Mexico and Utah. Later, he purchased a large ranch at Navaho Springs, Arizona, and became a sheep and cattle rancher. After establishing himself in Long Beach in 1902, he continued to build and develop homes here. The house is significantly architecturally and historically. Architecturally, it is an intact and monumental example of the Victorian Queen Anne style. Relatively few examples of this quality, integrity and grandeur remain in the City today. Historically, it is associated with a man who pioneered the settlement of the West, as a surveyor, rancher and builder.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

The building's exterior shall be regulated by the provisions of the ordinance codified in this Chapter. There shall be no restrictions on the building's interior. Any alterations, modifications or repair of the building's exterior shall be consistent with its historic character. No exterior changes, including repainting, shall be permitted unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Commission.

(Ord. C-6921 § 2, 1991)

16.52.720 - The Meeker Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Meeker Building.

- A. Location, Description and Reasons for Designation. Located at 650 Pine Avenue/112 East 7th Street in the City, the Meeker Building was constructed in 1924 at the eastern end of the main commercial street of Long Beach. The two-story structure occupies a prominent corner of the business district, contributing to its character and continuity. The building was designed in the Renaissance Revival style and still exhibits elements of that style, primarily on the second story. Elements of the original style still extant include decorative brick and tile work, arched openings, medallions, and a frieze with medallions. Some alterations on the corner have damaged the integrity of the building, but the structure remains a representative example of commercial architecture in downtown Long Beach from the 1920's period of development.

The building entrance at 112 E. 7th Street retains its monumental architectural character in its original condition. It is a two-story Renaissance-styled doorway, flanked by paired columns. The two-story lobby contains an open staircase and original cage elevator. The lobby walls are decorated with cast plaster ornamental floral designs in a frieze.

The second story retains all its original interiors: mahogany woodwork, original glass and mahogany doors with transoms, original double-hung wood frame windows, high ceiling heights. The retention of all the original 1924 building fabric in the interiors is remarkable, and a special asset of the building.

The aluminum storefront sign which obscures the facade is removable; original building material exists underneath.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Original historic fabric shall be retained as much possible. Any alterations, repairs or modifications of the subject structure shall be done so in keeping with its historic character. No environmental change shall be allowed unless a certificate of appropriateness has been applied for and approved by the Cultural Heritage Commission upon appeal, authorizing such environmental change.

(Ord. C-6921 § 3, 1991)

16.52.730 - 278 Alamitos Avenue (skating rink).

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: 278 Alamitos Avenue (skating rink).

- A. Location, Description and Reasons for Designation. Located at 278 Alamitos Avenue in the City of Long Beach, the original use of this building as a roller rink was important to the recreational history of Long Beach, and served as a social center for several decades. It was a place of public assembly and recreation and is remembered fondly by many residents of the City. Its closure as a skating rink reflects changes in the recreational lifestyles of Americans, and changes in the economic profitability of that activity. Its use for modeling the Long Beach Marina was significant for the development of the Long Beach waterfront in the late 1970's.

It is an intact example of Art Deco architecture in its ZigZag phase, with stepped pilasters, chevrons, and geometric ornament. It is relatively unusual to find this style translated into masonry material. The original marquee with chevrons is still in place. The design quality of the facade makes it an excellent example of that style.

The roof is a fascinating example of historic engineering used for spanning large spaces. Called "lamella" in the construction drawings, it is a wooden arched roof uninterrupted by interior supports, pierced by skylights. The arches consist of a web of diamond-shaped wood supports surmounted by wood boards, anchored by slender horizontal metal tie-rods. This roof structure is unique in Long Beach, and the design of the open span roof represents a significant engineering innovation and was a precursor of the geodesic dome.

Its location at the crossing of two (2) major streets, Alamitos Avenue and Third Street, and the lively, vibrant design of its Art Deco facade, make it a prominent visual feature of its neighborhood. It has been a feature of the Long Beach Cityscape for more than sixty (60) years.

- B. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the Secretary of the Interior (Revised, 1983), as amended, are incorporated by reference, and they, along with the following additional guidelines and standards as recommended by the Cultural Heritage Commission shall apply to the landmark:

Any alterations, modifications or repair of the structure shall be done so in keeping with its historic architectural character, and any alteration, modifications or changes shall follow the Secretary of the Interior's standards and guidelines. All exterior changes, including exterior materials and color, shall require a certificate of appropriateness from the Cultural Heritage Commission. Structural alterations and the removal of any original historic materials or architectural fabric from the interior shall require a certificate of appropriateness from the Cultural Heritage Commission.

(Ord. C-6928 § 1, 1991)

16.52.740 - The Recreation Park bandshell.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Recreation Park bandshell.

- A.

Location, Description and Reasons for Designation. Located in Recreation Park at 4901 East Seventh Street in the City of Long Beach, the bandshell was the location of numerous public events, reflecting many elements of the cultural, social and political history of Long Beach. It was a location of the all-state picnics, including many of the famous Iowa picnics. School performance and drama festivals took place there. Graduation exercises for Long Beach City College were held there. After the 1933 earthquake, it was used as temporary classroom space. One of Long Beach's parent cooperative nursery schools used this facility from 1952. It was also the site of political gatherings, such as an appearance by Richard Nixon during his early political career. The bandshell was also the site of the Municipal Band's regular concerts. Long Beach's Municipal Band was thought to be the only City that supported year-round band concerts from 1912 through 1940, and was a source of civic pride.

The Spanish Baroque Revival style used here appears rarely in Long Beach. This is the only public building in that style, which was popular in the early 1920's. This style was launched by the eminent architect Bertram Goodhue in buildings designed for the Panama-California Exposition of 1915 in San Diego, and became popular throughout Southern California. The rich plasterwork, the elaborate curvilinear design of the central arch, the broad border of colorful Malibu tile, the stucco walls and red tile roof are all features of this style.

The bandshell has been identified as an important historic resource by a professional architectural historian hired by the City as a consultant, who determined that the building might be potentially eligible for the National Register of Historic Places. The richly ornamented historic architectural style plus the multifaceted community historic significance of the building more than amply constitute qualifications for designation as a City landmark.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6947 § 1, 1991)

16.52.750 - The Coffee Pot Cafe.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Coffee Pot Cafe.

- A. Location, Description and Reasons for Designation. Located at 955 East Fourth Street in the City of Long Beach, this small building exemplifies a type of architecture known as "programmatic," in which the building form is based on a common object and serves as a large-scale sign advertising the business contained within. Such novelty buildings were popular in the 'thirties, a kind of roadside vernacular architecture arising concurrently with the growing popularity of the automobile; the fantasy design was meant to be eye-catching at high speed. Other examples of this architecture are the Brown Derby Restaurant (Wilshire Boulevard, Los Angeles); I Scream ice-

cream parlor in an ice-cream cone-shaped building. Such buildings flourished, particularly in Southern California, in association with our automobile culture. Today, most of these buildings have been destroyed for new development.

The coffee pot-shaped restaurant, with octagonal sides echoing the gigantic rooftop coffee pot, is a survivor of this period and reflects cultural attitudes of that time. Another Long Beach example, now gone, was Tee Pee's Barbecue, a Belmont Shore restaurant shaped like an Indian teepee.

The unusual design of the building to resemble a coffee pot reflects a distinctive architectural style popular at a singular period of history. Programmatic architecture flourished in the 'thirties as a novelty building to attract the attention of passing motorists. These buildings were small scale commercial buildings, each one of which was distinct and individual. Later they evolved into "theme" buildings, such as the Van De Kamp windmill, in which one design became a standardized product used in many different locations.

This singular building has long been recognized by many citizens as unique to the built environment of Long Beach. It is featured in the renowned architectural guidebook, "Architecture in Los Angeles: A Complete Guide," by David Gebhard and Robert Winter, with a picture and description as a Long Beach landmark.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6947 § 2, 1991)

16.52.760 - The Chancellor Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Chancellor Apartments.

- A. Location, Description and Reasons for Designation. Located at 1037 East First Street in the City of Long Beach, this is an excellent and impressive example of Georgian Revival architecture, a style used more commonly on single-family houses than for apartments. This style contains classical revival detailing, such as the semicircular portico with columns and entablature, dentils, dormer pedimented roofs, and entry door. The curved fanlight and Queen Anne windows in the dormers are also typical of this style. Nationally, the Colonial Revival style, of which the Georgian tradition is part, was the dominant fashion for homes in the first half of the 20th century. In Southern California it appears less commonly, superseded by locally popular styles such as the Craftsman and the Spanish Colonial Revival. The Chancellor Apartments mix in some local traditions, using a terra cotta tile roof from the Spanish Colonial Revival style.
- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a

building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6947 § 3, 1991)

16.52.770 - The Kress Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Kress Building.

- A. Location, Description and Reasons for Designation. Located at 449 Pine Avenue in the City of Long Beach, the Kress Building was number 152 in the total of nationwide chain stores founded by Samuel H. Kress (1863-1955). Constructed in 1923 on Long Beach's premier retail street, Pine Avenue, the store prospered. In 1928—29, a three-story addition was built on the south to double the store space and increase lunch counter services. Its opening was announced in the Press-Telegram on November 24, 1929. Kress' competitors, Woolworth and J.J. Newberry, also came to Pine Avenue, Woolworth in 1916 and J.J. Newberry in 1950. Unlike its competitors, the Kress store included a "high-rise" (seven story) office tower, whose profile was prominent on low-rise Pine Avenue.

The founder of the Kress variety stores was renowned not only for his business success, but also for his art collection, which now is housed in the National Gallery of Art in Washington, D.C. After his death in 1955, the chain was purchased by Genesco in 1963, which company closed one-third (1/3) of the Kress stores in 1974. The Kress chain was liquidated in 1981.

The Kress Building, in its rise and fall, exemplifies the history of Pine Avenue as downtown's premier retail shopping street. Although American Avenue (now Long Beach Boulevard) was intended to be the City's "Main Street," in fact Pine Avenue became the location of choice for the City's premier businesses and stores. The City's first hotel, the Bay View, was built on Pine between 1st and 2nd Streets in the 1880's. The first residence in the City (1882) was located at 317 Pine. W.W. Lowe opened a small store at Ocean and Pine which became the City's first official post office in 1885. The City's first school was built at Pine and 6th. The Pine Avenue Pier opened in 1893 and heightened the increasing prominence of that street.

The City's banks chose a Pine Avenue location also, beginning with the Bank of Long Beach on the northwest corner of Ocean and Pine; it was later taken over by Security First National Bank. Later also came the Farmers and Merchants Bank (which included an office tower like the Kress Building) at 4th and Pine, constructed in 1923 just before the Kress Building; the Long Beach National Bank at 7th and Pine (1924) and Security Pacific National Bank at 1st and Pine (1925). The City's major department stores were also on Pine starting with the Mercantile Company in 1904, which later became Buffums in 1912. Its three-story building at Pine and Broadway was enlarged to six (6) stories in 1926. Other retail stores on Pine were Famous Department Store (1929), Marti's (1929) which became Walker's (1933), Wise, and Penneys.

The decline in the Kress Company fortunes coincided with the decline in downtown retail activity on Pine Avenue. The rise of suburban shopping centers, the dwindling of the aerospace industry, the removal of the U.S. Navy, were all factors in the fall of retail sales on Pine Avenue. The formation of

the Downtown Redevelopment Project by the Long Beach Redevelopment Agency has aimed to support the economic revitalization of downtown and the rebirth of Pine Avenue as a pedestrian-oriented retail corridor.

Tenants in the office building represented a cross-section of commercial activity on Pine Avenue during its heyday: physicians, dentists, attorneys, insurance companies, accountants, and other professional services. The most prominent among them was probably the photographer Lawrence Inman (1890-1979), whose sign appeared prominently displayed on the penthouse wall where he had his office. He photographed local celebrations, events and many local scenes. His photographs of the 1933 earthquake are today important documents of that trauma. He sold many of his prints to local newspapers and other publications, counting both national companies such as Ford Motor Company and International Harvester and local oil companies on Signal Hill among his clients. He served as President of the Photographers Association of America, where he founded that group's Commercial Division. Many of his negatives are now in the collection of the Historical Society of Long Beach.

The architect, Thomas Franklin Power, was a prominent and prolific Los Angeles architect who designed office buildings, many Roman Catholic churches, schools, houses and apartments. He was born in Boston in 1874; the year of his death is not known. His most important commission was the planning, design and construction of the Playa del Rey campus of Loyola Marymount University, which began in 1927. Aside from the Kress Building, the only other work in Long Beach of his design is St. Bartholomew's Catholic Church at 5143 Livingston Drive, constructed in 1938.

The building has been severely stripped following a failed attempt at reuse and restoration, so that much of its architectural character has been lost. However, some original fragments and "clues" plus the original architectural plans remain, so that its architectural character can be identified.

The architectural style was Renaissance Revival. The lower two stories constituted the store portion of the building, separated from the upper five (5) office stories by a frieze. The frieze originally contained swag relief ornamentation, of which some fragments and "ghosts" survive. The 5th street store elevation was broken into bays, with two-story pilasters on high bases and ornate capitals. The ground floor contained plate glass show windows. The mezzanine level contained unusually narrow windows; the second floor windows were rectangular. The exterior was cement stucco scored to resemble terra-cotta. The cornice frieze contained ornate plaster decoration, some of which still remains today. The building was crowned with a decorative cornice.

B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" herewith are incorporated by reference, and adopted for this structure.

The restoration and reconstruction of the building shall adhere to the original materials and design. Any deviations from the original materials and design must be compatible with and replicate the original historic building fabric in appearance, texture, color and visual quality. Substitute materials may be permitted if they reproduce the design, color, texture and visual appearance of the original. All exterior construction shall require a certificate of appropriateness from the Cultural Heritage Commission.

(Ord. C-7074 § 1, 1993)

16.52.780 - The Gaytonia Apartment Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Gaytonia Apartment Building.

- A. Location, Description and Reasons for Designation. Located at 212 Quincy Avenue in the City of Long Beach, the "Gaytonia" is a twenty-seven (27) unit, "U" shape plan apartment building prominently sited at the corner of Quincy and Shaw Streets in Belmont Heights, designed in Norman Revival/English Tudor style.

The "Gaytonia" consists of three (3) stories of apartments along Quincy Street, with the sloping grade to the rear providing space for a thirty-six (36) car semi-subterranean garage. Two (2) large roof patios, accessible from inside, are visible from the rear.

The stucco exterior contains pseudo-stone quoins, and pseudo-half timber at the third story. The overhanging upper story is set on corbels, with a varied or broken eave line above the pointed windows. A steeply pitched hip roof, of simulated slate composition, tops the building. The symmetrical design is broken by an asymmetrical corner turret with a conical roof, and the rooftop tower upon which there is a large metal scaffold supporting a neon sign, "Gaytonia," in Gothic script. The sign, original to the building, no longer illuminates. Multi-paned metal casement windows of various sizes are used. An oriel window, resting on corbels and with a battlement trim on top, occupies the central recessed bay above the main entrance, while two (2) smaller turrets with metal conical roofs crown the doorway. The door of the main entrance contains a stained glass window, and the entranceway is also flanked on either side by stained glass windows.

Quoins, corbels, battlements, coats of arms and chimney pots add charming decorative elements to the structure. Metal finials on the tower and roof, and a weather vane crowning the main turret have been removed. Otherwise, the "Gaytonia" remains intact, with only minor cosmetic alterations. A fire ladder was added later, in 1957.

The lobby of the "Gaytonia," characterized by wood panelled floors, contains an inglenook and fireplace with Batchelder tile infill. Three (3) pointed arches lead to the hallway, the transition marked by three (3) cross vaults. The hallway is punctuated with arches resting on corbels. Decorative elements include corbels at the lobby ceiling level, and ornate plaster work under crown moldings throughout the hallway. Light sconces shaped like heraldic shields (in the form of a coat of arms or crest) in the lobby, and paintings of a knight in armor and two (2) crests along the hallway wall, add a medieval decorative touch to the interior. Each apartment door is designed with a pointed arch relief and ornate metal door knockers in the coat-of-arms motif. The original wood panelled elevator is still used.

The "Gaytonia" was built in 1930 by owner-contractor, George T. Gayton, who retained ownership until 1956. Gayton was a contractor of buildings along the west coast for several years during the early part of this century. He also built the seven hundred and fifty (750) seat Belmont Theatre in Belmont Shore in 1929, the first in Long Beach to be built for talking pictures.

Reginald Freemont Inwood was the architect for both the "Gaytonia" and the Belmont Theatre. Inwood had an office in Long Beach, although he designed structures throughout the Los Angeles area. His other projects included a Methodist Church in El Segundo (1927), another Methodist Church in Lynwood (1928), and a Baptist Church in Colton (1930).

The "Gaytonia" was constructed at a cost of one hundred thousand dollars (\$100,000.00), a significant amount at the time. The "Gaytonia" was originally an upscale residential building which catered to Naval officers stationed in Long Beach. Although the "Gaytonia" was always an apartment building, it was originally managed like a hotel. Maid and valet service was provided, and each apartment building was furnished, including the provision of linens and dishes.

The large scale, including the height and bulk, of the "Gaytonia" and the prominent position it occupies, set on a hill, make the "Gaytonia" a dominant element in the Belmont Heights neighborhood. The conspicuous "Gaytonia" sign is visible from several vantage points in the Belmont Shore area, identifying the building to passersby.

Because the building has been well-preserved and maintained, it is an excellent example of the Norman Revival style. The structure is unique to the Long Beach area in its style, character and picturesque architectural details. Other Long Beach buildings, such as the Pacific Coast Club (1926) in the Norman style, and the Villa Riviera (1929) in the Chateausque style, while similar to the "Gaytonia" in some respects, (such as the use of hip roofs, turrets, conical caps and corbels), differ from the building in their larger scale and in their more formal architectural treatments and character. The "Gaytonia" is characterized by a more "rustic" appearance, with its pseudo-half-timber style and pointed arches. The "Gaytonia" also exhibits richer detailing than other Chateausque buildings of similar scale.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6988 § 1, 1992)

16.52.790 - The Masonic Hall Commercial Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Masonic Hall Commercial Building.

- A. Location, Description and Reasons for Designation. Located at 5351-55 Long Beach Boulevard in the City of Long Beach, the former Masonic Hall Commercial Building is one of the oldest and most prominent commercial buildings in North Long Beach, distinguished by its architecture and by its use. Constructed in 1928 by architectural designer, F.D. Davis, it is a fine example of Renaissance Revival vernacular design. The exterior is clad in gold-hued brick with terra-cotta Renaissance-styled terra-cotta detailing around the windows, cornice, parapet and stringcourse between the floors. A round terra-cotta medallion with the Masonic logo accents the corner, and indicates the use of the upper floor for a Masonic Hall. The ground floor accommodates retail tenants. The building is typical of period revival commercial buildings of brick with lighter terra-cotta accents built in the 'twenties; this example stands out in isolation on the north portion of

Long Beach Boulevard. Its presence indicates the first emergence of commercial development in that neighborhood. Its use as the meeting site of a fraternal order, the Masons, gives it additional social and cultural significance.

The building's architecture is a typical example of Renaissance Revival design in a small-scale vernacular commercial building. Clad in masonry materials, brick and terra-cotta, the construction detailing is finely done. The ornamental motifs of the parapets and window surrounds derive from the Renaissance style. The triple windows with transoms are typical configurations for commercial construction of that period. The ground floor storefronts have been altered, and signs hide the original transom zone.

Little is known about the original designer, F.D. Davis of Lynwood. However, following the '33 earthquake, the repair and restoration work was done by W. Horace Austin, noted Long Beach architect. The construction drawings specify that the building is to be repaired and restored to its original condition.

It is an established and familiar visual feature of north Long Beach Boulevard, and provides a visual link back in time to the first period that this neighborhood was developed. It is distinguished by its unusual shape, with a corner oriented on the diagonal, which is accented by a Masonic emblem medallion.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6988 § 2, 1992)

16.52.800 - The Art Theater Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Art Theater Building.

- A. Location, Description and Reasons for Designation. Located at 2025 East Fourth Street in the City of Long Beach, this building is the last remaining neighborhood movie theater left in Long Beach. Its design and construction reflect three (3) successive eras of development, beginning with the silent film era. The first theater on this site was built in 1925, and contained a theater organ. The plans show a "period revival" style, with orientalizing touches reminiscent of the Chinese Theater in Hollywood. This theater was flanked by two (2) separate storefronts. The storefront on the east side of the building survives from this period, with its original transom windows. The Streamline Moderne design was the work of Schilling and Schilling in 1933, done after the '33 earthquake. From this period date the Art Deco stylistic elements: the concrete stepped piers, the tiered layers, the central curved mass with horizontal accents and a vertical stepped element supporting the original Art Deco sign, the ticket booth, the black ceramic title, the sidewalk terrazzo. The design is an interesting combination of Zigzag Moderne and Streamline Moderne, with the fluted stepped vertical elements exemplifying Zigzag design, and the horizontal stringcourses wrapped

around curving corners from the Streamline style. A major renovation was done in 1947 by Hugh Gibbs, at which time the marquee was remodeled, the glass block wall inserted, and new poster boxes built. The building retains its integrity from these successive phases of construction.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-6999 § 1, 1992)

16.52.810 - The Ambassador Apartment Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Ambassador Apartment Building.

- A. Location, Description and Reasons for Designation. Located at 35 Alboni Place, in the City of Long Beach, the Ambassador Apartment Building is on a short block between Ocean Avenue and First Street. The Ambassador Apartments is an L-shaped masonry building, constructed in 1925 by eminent architect W. Horace Austin. The projecting wing of the "L" is four (4) stories and the rear wing is five (5) stories, and both sections plus the walled courtyard in the void of the "L" are set over a basement. Mediterranean detailing enlivens the rather straightforward design. The facade has been smoothly stuccoed over a pseudo rusticated base. A hipped tile roof crowns the structure. Symmetrically organized, the street facade of the projecting the wing consists of three (3) bays occupied by paneled and bracketed balconies in the center and paired double-hung sash in the sides. The entry is located in the north bay of the recessed wing and is dignified by a rusticated surround and a keystone. An "A" on the keystone and gold lettering in the transom over the double door identify the building. The Ambassador Apartments were constructed in 1925 according to the Sanborn maps. They were characterized by fireproof construction, reinforced concrete floors and reinforced brick curtain walls. A typical example of a medium-sized, Southern California urban apartment building of the 1920s, the Ambassador is situated close to the amenities of downtown and the allure of the shoreline. It was built during a period of tremendous growth in Long Beach, when several apartments and hotels, some offering individual ownership of units, were erected. The majority of these buildings shared a similar downtown location and offered a genteel lifestyle to their residents. Although not architecturally outstanding, the Ambassador is an intact representative of this important trend in Long Beach's development.
- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

16.52.830 - The Merrill Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Merrill Building.

- A. Location, Description and Reasons for Designation. Located at 810-812 Long Beach Boulevard in the City of Long Beach, the Art Deco styling of this commercial building is intact. It is two (2) stories, stucco-clad, and possesses a symmetrical facade. A central entry way is defined by piers, which are fluted in alternating wide and narrow widths and rise about three-quarters up the building. Decorative panels in low relief, accented by a chevron surmount the entry, which leads to the upper story. To either side, storefronts are topped by a patterned frieze. Reeded piers marked the ends of the building. The plane containing the second story windows is slightly recessed and punctuated by reeded panels and mullions. Each of the three (3) windows in the side and two (2) in the central bay are topped by patterned panels. This decorative band contrasts with the smooth surface of the frieze area into which the name "Merrill" is incised. The Merrill Block was probably built around 1921, replacing a smaller improvement on the property assessed to Isabel E. Lyman. Merrill Rowe, whose business was real estate, became the assessed owner in 1922. The Rowes lived next door to Mrs. Lyman, a widow, on East 8th Street. By 1922 the City Directory listed the occupants of the Merrill Building as the Sasnak Tire Company (distributors of Lancaster Tires) and the La Belle Apartments.

Following the 1933 earthquake, six thousand dollars (\$6,000.00) worth of alterations were made to the building, whose appearance probably dates to that year. Art Deco emerged in the 1920's as a style that looked forward to the future rather than to history for its ornamentation. It was an expression of the eminence of technology and the machine age.

The building received the name "Merrill" following the 1933 alterations, done by the firm of Schilling & Schilling. The upstairs units were then called the Merrill Apartments. The ground floor has been used for various retail activities: in 1935, K.C. Welch butcher's equipment; in 1939, E.A. Glass restaurant. City Directories for 1951-52 show the Keller Paint Company downstairs and the Long Beach Nurses Institute, a school, upstairs. Later (1959) the units again became apartment.

The building is significant as an example of the Art Deco work of Schilling & Schilling. The richness of the ornament recalls the Hancock Motors Building (500 E. Anaheim). Piers and fluted pilasters are flattened in a "modernistic" mode. The building is intact underneath the current obtrusive plastic signage.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

16.52.840 - The Flossie Lewis House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Flossie Lewis House.

- A. Location, Description and Reasons for Designation. Located at 1112 Locust Avenue in the City of Long Beach, this single-family, two-story Victorian house appears virtually unaltered from its original date of construction in 1905. Its most distinctive visual feature is a large cross-bellcast-gambrel roof, with curved stickwork on the gable return. Inside the gambrel are dog-eared shingles. The porch is recessed at the north end, with a pair of Ionic columns on a pedestal support. The ground floor is clad with narrow clapboard siding and has a three-part bay window. Window and door surrounds are surmounted with a cornice. Five (5) cement stairs lead up to the entry, between low rough-cut stonework. There is a small one-story addition on the side with a shed roof. The house is in good condition. Constructed in 1905, this is the oldest remaining house in its neighborhood, and part of the original residential development of Long Beach. It is architecturally unique among Long Beach Victorians for its complex roof forms. There are not many Victorians left in Long Beach; this is one of the most outstanding examples.

The house represents an era when large-scale Victorian houses were an indicator of prosperity among the middle-class, and was built during a time of rapid growth and expansion for the young City. Today, now that many houses from this era have been lost, it marks an important stage in the development of Long Beach.

Flossie Lewis established the first program in Long Beach for recovering alcoholics in 1948. She was widely respected for her generous social contributions. She was an important community leader, considered "the mother of A.A." in Long Beach. Her name became associated with this structure in 1985.

This structure is an outstanding example of Victorian architecture, and is intact on the exterior. Its cross-bellcast gambrel roof form is unusually complex. The corner porch, bay windows, dog-eared shingles and decorative columns are typical features of the style.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit require a certificate of appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7161 § 1, 1993)

16.52.860 - The Pressburg Residence.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as historical landmarks in the City: The Pressburg Residence, 167 South Street (Assessor's Parcel No. 7125030017).

- A.

Specific Criteria. This house recalls the rural agricultural community that was its environment when it was built around 1905. This area then consisted of farms and was known as the California Cooperative Colony Tract. South Street was named for its southern boundary. Dairy Avenue was named after the old Bixby Dairy, later called the Long Beach Dairy, situated on what became 49 Ellis Street nearby. Subdivision into town lots began in 1922 along Long Beach Boulevard, which was not paved until 1927-28. North Long Beach was a separate City, called Virginia City, named after the Virginia Country Club. It was annexed to Long Beach by popular referendum in January, 1924. This house is located on the western City boundary that existed in the twenties. Records for this particular house are incomplete, for it was unincorporated land when it was constructed. It may have been part of the original Bixby farm and dairy, or it may have been moved onto its lot in 1930. However, this Victorian farmhouse is evocative of the area's rural beginnings.

This house is an excellent example of Victorian architecture, with some idiosyncratic features. The steep gable roof, the large porch, the rich exterior textures of narrow clapboard siding and variegated shingles, are hallmarks of this style. The three-part second story window with a pointed gable, the use of shingles on the porch, and the use of diamondpane windows are all unusual features but are consistent with the rich visual variety of the Victorian era.

It is one of the oldest homes in North Long Beach, and stands out from its neighbors in scale and architectural type. It is the only Victorian in the area. Its appearance as a rural farmhouse of the early 1900s amongst houses of later periods makes it an important historical artifact, recalling the California Cooperative Colony Tract of that early era.

This two and one-half-story late Victorian house stands out for its scale, its noteworthy architectural features, and its integrity. The cross gable roof is steeply pitched, and ends in gable returns. Within the gable are windows and richly ornate shingles: fishscale shingles alternate with diamond-pattern shingles, separated by square-cut shingles aligned in horizontal bands. The attic is indicated on the exterior by a projection cantilevered out from the vertical walls. The first story is separated by a plain frieze, below which the exterior cladding is narrow clapboards. A covered porch placed to one side is roofed in a low pitched closed gable forming a pediment. The front of the porch contains a wide arch spanning the entry steps; the sides contain two (2) semi-circular arches. The porch exterior contains both narrow clapboards and fishscale shingles, separated by a narrow molding strip at the springing of the arch. The entry door is original, oak with a large oval glass. The windows are unusual features on this structure. The second floor facade contains a modified Palladian window, with the central portion shaped in a gable point rather than an arch. Inside the frame, paired double-hung windows are separated by a fixed pane narrow window with diamond-shaped muntins. The picture window on the first floor contains a wide double-hung window with two (2) fixed pane side lights, also with diamond muntins. Other windows are double-hung wood sash, the frame capped with a lintel. There is a bay window on the east-facing side. The second story windows on this wall contain the only alteration on the building: aluminum sliders. There is a wooden picket fence of indeterminate age. The condition is good.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a certificate of appropriateness from the Cultural Heritage

Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7192 § 1, 1994)

16.52.870 - The El Cordova/Rose Towers.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historical landmark in the City: The El Cordova/Rose Towers (Assessor's Parcel No. 7275013076-95).

- A. Specific Criteria. This fine example of Spanish Colonial Revival courtyard housing consists of twenty (20) units of varied size and design, arranged as two (2) separate wings facing a landscaped central corridor. A concrete meandering path traverses the courtyard, culminating in a tiled fountain set in a wall supporting a raised terrace in the rear. Twin stairs flanking the fountain lead up to this level. Twin iron lanterns are set on two (2) posts.

Although the building elements are symmetrical, particular motifs and details are varied. The design features exterior stairways, exterior balconies of wood and wrought iron, cantilevered second stories with plump embellished corbels, recessed entryways, pointed and parabolic arches, and decorative multi-color tile on stairs and window areas. Wood casement windows are deeply inset. The original tile roof is intact, but the exterior stucco has been redone in a coarse texture. The original hand-troweled surface finish is visible inside several entryways. An elaborate custom-crafted wrought iron signpost at the courtyard entry way contains a climbing rose vine.

The building and landscaped courtyard are in excellent condition. Except for the exterior finish, there have been no alterations. The style of this complex, Spanish Colonial Revival, is typical for its period of construction (1928). However, the richness and variety of design motifs make this an outstanding example of that style. It is also significant as an example of courtyard housing, a housing type popular in the Twenties and Thirties for multi-family housing. Courtyard housing clustered the dwelling units around a landscaped open space area that was open to the street, providing a common and tranquil outdoor space for residents. The exterior walls framing the landscaped courtyard resemble an outdoor stage set for a picturesque village. Designed after models in Southern Spain where orientation around a central patio or courtyard was typical, they were often given romantic Spanish names. The original name of this building was El Cordova. This period also saw a big construction boom in apartment building in Long Beach. The builder and architect for this project contributed substantially to that construction boom.

The Spanish Colonial Revival architecture is richly developed in this example. The arrangement of twenty (20) units around a central landscaped courtyard has generated a great variety of Spanish Revival motifs: arches in round, pointed and Moorish shapes, recessed casement windows, French doors, wood balconies with turned posts, wrought iron balconies, decorative corbelling, multi-colored tile accents, exterior porches and stairs, and carved wooden doors. The walls are stucco and the terra cotta roof tile is stacked in layers, visually supported by extended wood rafters and wrought iron scroll brackets. A courtyard fountain has Spanish/Moorish tile and a statuette set into a niche. The fountain is set back into the rear of the courtyard and is framed by stairs which lead to an elevated patio. The courtyard and architecture are treated as a unified whole. The variety of levels, massing and architectural detailing evokes a romantic Spanish or Mediterranean village.

George Riddle, the architect, and Monarch Construction, the contractor, were responsible for building many apartments in Long Beach in the late Twenties. They built other Spanish Colonial Revival courtyard apartments, and other types of housing. The high quality of their designs and the use of this housing type has significantly influenced the streetscape of Long Beach, particularly in this neighborhood.

The neighborhood in which the El Cordova is located contains other examples of circa 1928 courtyard housing, creating a unified architectural theme. Other similar examples of the collaboration of George Riddle and Monarch Construction may be found at 1906 East First Street (The Barcelona); 2055 East Third Street (Casa Del Patio); 2075 East Third Street (Alvarado); 2074 East Third Street (Casa Nido).

The picturesque charm of the El Cordova/Rose Towers has enhanced its neighborhood for almost seventy (70) years. The openness of the design, with the courtyard opening directly to the street, and the spaciousness of the courtyard, are visually distinctive features. The unity between architecture and landscaping also distinguish this building.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7273 § 1, 1994)

16.52.890 - The Bank of Belmont Shore.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as historical landmarks in the City: the Bank of Belmont Shore, 5354 East Second Street (Assessor's Parcel No. 7245002001).

- A. Specific Criteria. This building is one of the few early commercial structures on Second Street which has retained its original architectural character, and for which the succession of uses reflects a dynamic economic environment. Its Spanish Colonial Revival style harmonized with the predominant architectural style of the surrounding residential neighborhood. Originally constructed in 1929 as a restaurant for Mr. C.E. Patty, the architect/engineer was Ray A. Sites of Long Beach. Two (2) other restaurants successively occupied this building until a major remodeling by Francis H. Gentry in 1950 was done for the Bank of Belmont Shore. The building as it is today is largely the product of this remodeling. Other bank uses followed: Coast Bank, and the Bank of San Diego, which closed in 1994.

Francis H. Gentry, who designed the 1950 remodel for the Bank of Belmont Shore, made many important contributions to the City of Long Beach as a civil and structural engineer and as a civic leader. He partnered with Parker O. Wright on the design of the Scottish Rite and York Rite Masonic Temples (1926, 1927), both of which are designated historical landmarks. He served on the City Council as Mayor from 1939 to 1942. He also served on the Long Beach Civil Service Commission and County Sanitation District Boards; as food administrator 1943-45; as chairman of the Mayor's Food Conservation Committee 1947-48; and has been active in the affairs of the Long Beach hotel and

restaurant industry. In 1943 he was commissioned as a Major, U.S. Army Reserve. He was a Director of the Convention and Visitors Bureau and president of the Board of Trustees of the Second Presbyterian Church. He was a member of the Chamber of Commerce, Masons, Elks, and Native Sons of the Golden West.

The building is also associated with Richard Loynes, Jr., who was listed as owner in 1938. Loynes was a world-famous speed boat racer and champion. From 1923 to 1933 he entered nearly every speedboat regatta in the Country, becoming national champion three (3) times, world champion twice, and held sixteen (16) world records. In 1939, he skippered the yacht "Contender" from San Francisco to Honolulu to win the Golden Gate International Exposition trophy, and established another "first" by continuous radio broadcasts coast-to-coast from the yacht. He was twice president of the Long Beach Chamber of Commerce and chaired the City's first Marina Committee in 1956, the year of his death at age fifty-five (55). He was a past president of the State Shoreline Planning Association, a member of the Los Angeles County Regional Planning Commission and the Southern California Marine Radio Council.

It is a typical example of Spanish Colonial Revival architecture, although it has been altered by later remodeling. As such, it exemplifies a style at the height of its popularity when it was constructed in 1929. Typical architectural features are the stucco walls, red tile roof, use of arched windows, and corner tower.

Its design relates to the predominant architectural character of the residential neighborhood of Belmont Shore, Spanish Colonial Revival. It is one of the few commercial buildings on Second Street to retain its original architectural style.

It represents an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristics.

Located at the southeast corner of Santa Ana and Second Street, this Spanish Colonial Revival commercial building, with its corner tower and red tile roof, has been a distinguishing landmark of its neighborhood for sixty-five (65) years. The present design of the building has been established for forty-four (44) years, with the rectangular corner tower and its scroll buttresses. Although remodeled for a succession of different businesses over the years, it has maintained a continuous presence amidst much demolition and new construction along Second Street.

The building was constructed in 1929 as Patty's Restaurant. Its Spanish Colonial architecture harmonized with adjacent residential development during the first phase of building Belmont Shore. It was occupied by two (2) other restaurants until 1950, when a major remodeling was done by Francis H. Gentry for the Bank of Belmont Shore. The building today looks largely as it did after Gentry's remodeling, although some additional modifications were made in 1986.

This Spanish Colonial Revival commercial building consists of a single large rectangular hall with a corner tower; there is a covered porte cochere on the east side. Large arched windows face Second Street, with subdivided and radiating muntins. There are smaller square window openings on the side facade; a small balconet with wrought iron railing is on the second story on the side facade. The roof is red terra cotta tile; the walls are stucco. The side facade has been altered with rectangular relief

strips framing the windows. The tower has a hipped roof and small arched windows, with curved brackets supporting a boxed cornice. The interior has been totally modernized; no historic fabric remains.

This building is one of the few remaining structures on a busy commercial street to retain its original architectural character. Its style, Spanish Colonial Revival, references the adjacent residential neighborhood of Belmont Shore, developed primarily in the Twenties. The building has had a succession of uses, and remodeling, reflecting the dynamic commercial environment of Second Street. It was constructed originally as a restaurant for Mr. C. E. Patty. Construction plans are dated 1929, but the City Directory listing doesn't appear until 1933; the Depression affected the opening of the business. By 1935, Patty's Restaurant was gone.

The building has had a fascinating succession of uses, with construction drawings dated 1929 for Mr. C. E. Patty's Restaurant prepared by Ray A. Sites of Long Beach. City Directories, however, first list this restaurant in 1933, but by 1935, the building was vacant. The next restaurant to occupy this space belonged to Louis Gersten, who lived with his wife Anna at 40 La Verne, a few blocks away. This business survived until 1945, when it became Irwin Schuman's restaurant; construction drawings show that an addition and alterations were done at this time. The 1948 Directory lists Jack Laskey's restaurant.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future changes to the building. All changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall maintain and be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7272 § 1, 1994)

16.52.900 - Castle Croydon.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, City Council designates the following building as a historical landmark in the City: Castle Croydon, 3000 East Seventh Street (Assessor's Parcel No. 7258030001).

- A. Specific Criteria. The structure is a mixed commercial and apartment structure at 3000 East Seventh Street. It is attached to a Craftsman bungalow, which has been modified to blend into the two-story commercial/apartment structure constructed subsequently. This latter structure has unique and novel architectural features depicting picturesque "castle" theme. There are several rounded turrets, crenelations, decorative roundels, a projecting chimney resting on corbels, scalloped archways, rounded archways, pierced decorative openwork and a Moorish horseshoe arch. Medieval Revival and Spanish Colonial Revival motifs are mixed. The exterior is stucco. Windows are metal casement with a separate subdivided transom. The corner entry to the ground floor commercial space is recessed at the corner, accessed through double doors, under a scalloped arch. A small-paned transom window is placed above the door. The ground floor storefronts have wood frames and transoms, and are original. A stucco wall incised to simulate

stone connects the commercial structure to the Craftsman bungalow along Orizaba Street, and the bungalow has been stuccoed to blend. A concave stovepipe shape over the entry door to the Craftsman cottage echoes the fantasy theme.

The Castle exemplifies typical patterns of land use and development for Long Beach during the 1920s. The two-story mixed-use structure was built in 1929 on Seventh Street as an addition to an older bungalow (1912) behind it on Orizaba Street. These two (2) phases illustrate the transition from residential to commercial along Long Beach's major corridors. With ground floor retail shops and apartments above, the 1929 building was typical of mixed-use development of that era. The charming thematic architectural design was intended as a marketing tool of its period, attracting the eye of the motorist driving on Seventh Street. The use of medieval revival thematic design is unusual for a commercial structure.

Period revivals were very popular in the 1920s as were exotic revivals and thematic buildings. Medieval Revival, Moorish Revival, Egyptian Revival, even "Hansel and Gretel" houses, flourished. Medieval Revival carried out with many embellishments characterizes this building. A few of the details derive from Spanish Colonial Revival designs, such as the use of red tile on the service tower, the wrought iron gate and the pierced grillework. The older bungalow at the rear contains typical Craftsman bungalow features, with unique convex hood over the doorway that ties in with the fantasy theme of the larger building. A stucco wall scored to simulate irregular cut stones links the Castle and the bungalow, consistent with the thematic architecture.

Located on the corner of Seventh Street and Orizaba Street, this architectural fantasy is a unique and visually prominent feature of an otherwise bland, commercial corridor. The Medieval Revival motifs and architectural richness of this building make it stand out as a community and City landmark.

This structure is significant also as an example of two (2) phases in development: from residential to commercial. As the City's main transit corridors changed from residential to commercial uses, houses with commercial frontages along the street indicated this transition. The development of the Castle as an appendage to an older pre-existing bungalow exemplifies this transition along Seventh Street, and indicates the rapid pace of urban development in Long Beach in 1929.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future changes to the building. All changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any alterations, modifications or repair of the structure shall maintain and be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7278 § 1, 1994)

16.52.910 - The Ernest and Lillian McBride Home.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historical landmark in the City: Ernest and Lillian McBride Home, 1461 Lemon Avenue (Assessor's Parcel No. 7268-021-034).

- A.

Specific Criteria. This site has been the home of Ernest and Lillian McBride, civil rights pioneers in Long Beach, since 1948 to the date of this Ordinance. This site was the second home purchased by an African-American person in that neighborhood, a conscious defiance of restrictive covenants in the real estate market. Ernest McBride was a co-founder of the Long Beach Chapter of the National Association for the Advancement of Colored People (NAACP) and served as its Secretary. The McBrides held many Long Beach Chapter NAACP meetings at this home. This site is associated with a long and successful campaign to advance the civil rights movement in Long Beach.

This neighborhood was the focus of the first efforts at residential desegregation in Long Beach. After the McBrides purchased their house, and after restrictive covenants were declared illegal by the Supreme Court, other African-Americans began to follow them in obtaining residences in the area. Today the neighborhood is occupied by a majority of African-American residents. The group of single-story bungalows on the 1400 block of Lemon Avenue, well-kept and small-scale, have retained their fundamental appearance, integrity and character that existed when Mr. and Mrs. McBride moved there in 1948.

The site contains a single-family, one-story remodeled Craftsman bungalow built in 1919 (1461 Lemon Avenue), plus a two-story structure fourplex at the rear (1463 Lemon Avenue). The bungalow remodeling consists of exterior stucco, replacement of porch supports with iron rails, replacement of the picture window on the facade. The scale and character of the structure at 1461 Lemon Avenue is consistent with others on the street. The building is not architecturally significant.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future changes to the building. Demolition or removal of the structure will require a Certificate of Appropriateness from the Cultural Heritage Commission. Other alterations, modifications or repair of the structure may be performed pursuant to valid permits, but shall not require Certificates of Appropriateness from the Cultural Heritage Commission.

(Ord. C-7301 § 1, 1994)

16.52.920 - The Dolly Varden Hotel Rooftop Sign.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following object as an historical landmark in the City: The Dolly Varden Hotel Rooftop Sign.

- A. Location, Description and Reasons for Designation. Located at 335 Pacific Avenue, the Dolly Varden Hotel Rooftop Sign consists of two (2) panels of neon lettering, each positioned in a diagonal on the front of the roof and joined at the corners in the shape of a "V". The sign reads: "DOLLY VARDEN HOTEL...BATH IN EVERY ROOM". The top panel is shaped in a basic "T"-form with the words "Dolly Varden" forming the top bar of the "T", and "Hotel" the bottom section. The outline is irregular, with a flattened peak at the top. The words "Bath In Every Room" are located on a bar shape slightly below the top panel. The sign panels are elevated by supporting steel struts. The sign letters are in block capitals with a serif. They are made of neon for nighttime illumination.

The Dolly Varden Rooftop Sign is placed atop a rectangular, nondescript apartment hotel constructed in 1929. The building is not architecturally significant, nor does it have an identifiable architectural style. However, the rooftop sign is a vintage historical object, notable for its period design and for the charming and nostalgic message displayed. It is a visual landmark in the downtown. City permits do not exist for the sign, but based on stylistic inference, it appears to be a product of the 'thirties. Building permits for post-earthquake repairs were taken out in August 1933, including work on the roof; one could surmise that the sign was erected at that time.

The sign recalls a time when apartment hotels without amenities were common in the downtown. It is the only historic sign which contains an advertising message in addition to the name of the facility. It is a visually prominent feature both during the daytime and at night because of its neon. Its design and materials embody a typical "thirties" stylistic character.

The sign and the message on the sign on the roof of the Dolly Varden Hotel evoke the nostalgic flavor of Long Beach's past. The unique feature of this rooftop sign is the addition of a commercial message to the name of the hotel; this neon advertisement was placed on two (2) diagonal positions to catch the attention of travelers from both directions. It is an example of roadside vernacular design, similar to Route 66 artifacts and early examples of creative roadside commercial signage. It is also a reminder of Long Beach's prominence as a beach resort town, with profusion of small hotels close to the beachfront.

Dolly Varden's obituary paints a portrait of a colorful and eccentric person, a circus performer who hoarded jewels. She apparently did not live in Long Beach, but apparently had an admirer in Long Beach. The name Dolly Varden also belongs to a character in a Dickens' novel, "Barnaby Rudge". The name of the original owner who built the hotel was L.F. Dolly.

The silhouette and shape of the sign, the typeface of the letters, the use of neon and metal supporting struts, are all typical of 'thirties signs. This is a vintage neon sign, exemplifying the commercial benefits of colorful, illuminated signage. Neon became a very popular sign material in the 'thirties.

The Dolly Varden has been a prominent visual feature of downtown Long Beach for sixty (60) years and is regarded affectionately by many residents and visitors. Its distinctive visual qualities and charming message enhance the ambience of the downtown streetscape.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the sign. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the sign shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7345 § 1, 1995)

16.52.930 - The Le Grande Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Le Grande Apartments.

- A. Location, Description and Reasons for Designation. Located at 635 East 9th Street, this is a two-story, twenty (20) unit courtyard apartment designed in the Chateausque style. This style became popular in Southern California in the 'twenties and appeared occasionally in apartment buildings in Long Beach at that time. The design is asymmetrical, with the entry under a projecting Romanesque portal of triple attached columns and a series of arches decorated with geometric motifs. The upper portion has flattened decorative corbels. The wrought iron gate has a series of arches, echoing the curves of the portal. The courtyard is landscaped, and exterior stairs lead to the upper units. There is a mansard roof, turrets, and partial dormers. Multipaned wood sash windows are used. The exterior stucco is strongly textured in curves, giving a hand-troweled appearance.

This courtyard apartment building was constructed during a period of very rapid growth for the City that had been stimulated by a strong demand for rental housing in a fast-growing economy. The 'twenties were boom years in Long Beach, due in part to the new oil industry, but also to the flourishing beach resort economy, and business and industrial growth. The type of housing represented here served working class people. The architectural charm and picturesque quality must have been an attempt to give this building a competitive edge in an expanding housing market.

This building is an excellent example of the Medieval Revival Chateausque style, which was popular in this period. In the years following the first World War, exposure to European castles resulted in Chateausque Revival buildings. Long Beach has other examples built at this time, such as the Lowena Historic District and the Gaytonia. The architectural type represented here is courtyard housing, which was a popular form of housing in Southern California from approximately 1915-1935. Two (2) stories of living units are arrayed in parallel wings around a central landscaped courtyard, screened from the street by a Romanesque Revival portal and decorative entry gate. The use of exterior stairs and varied massing conveys the quality of a miniature townscape to the complex.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7345 § 2, 1995)

16.52.940 - The Silver Bow Apartments.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Silver Bow Apartments.

- A. Location, Description and Reasons for Designation. Located at 330 Cedar Avenue, this three-story red and tan brick apartment building was built in 1915. This building is significant as an intact Renaissance Revival apartment building, of high quality materials and design, from any early

period in Long Beach's history (1915). The architect was F.L. Lindsay, whose office was at 171 Locust in Long Beach; the original client was Alex Husband. Construction drawings for post-earthquake repairs in 1933 show reconstruction and repair according to the original plans, rather than a modernization. The repairs were designed by Harvey Lochridge, a local and prominent structural engineer. The facade has finely detailed masonry construction, with molding and panels defined by contrasting patterns of glazed tan brick. The prominent cornice, with large dentils and paired brackets, is original. The brackets are detailed in Classical Revival style. White accents are provided by the cornice, horizontal molding between the stories, and central balconies. The symmetrical facade has a recessed central doorway with recessed spaces and balconies above. The balconies have decorative iron railings and a fire escape ladder. The entry door has two (2) side lights. The entry stairs and hallway are white marble. The windows are tripartite, the central panel containing a transom and the two (2) narrower side windows double-hung. Seismic reinforcing anchor bolts are visible on the side plain red brick walls, where the windows have segmented arches.

This three-story apartment building today is one of the earliest masonry apartment buildings in the City, constructed in 1915. At the time it was built, it was a major residential structure in its neighborhood, which consisted primarily of smaller scale wood frame dwellings. Today it stands out as one of the oldest surviving brick apartment buildings in Long Beach, most of which were constructed in the Twenties. It is a precursor to the expansion of high rise residential apartment construction in Long Beach in the decade of the Twenties.

The building's Renaissance Revival style had features that later became typical of Long Beach three-story apartment buildings. The facade is symmetrical, with the central entryway placed in a recessed bay. Second and third story balconies overlook the street. The clear demarcation of each story and each bay, the prominent classical cornice crowning the roof, the detailing of the facade brickwork, the white decorative accents against a brick background, are hallmarks of the Renaissance Revival style. The style of the windows reference another contemporary residential style: Craftsman, with tripartite windows and use of a transom in the central pane.

This building relates to the Willmore City Historic District just adjacent to its north, by era of construction and building type. It also relates to adjacent historic buildings at the corner of Third Street and Cedar Avenue: the First Congregational Church (1914) and the Willmore (1924).

The building has a monumental presence on the street due to its scale, materials and design. Its name is displayed in large-scale letters over the entryway. It is a visual landmark, having survived unchanged for eighty (80) years.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7345 § 3, 1995)

16.52.950 - Casa Aitken.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following object as an historical landmark in the City: Casa Aitken.

- A. Location, Description and Reasons for Designation. Located at 725 East Eighth Street, this two-story Spanish Colonial Revival fourplex has a U-shape around an interior courtyard located at the side of the building along the alley. An exterior staircase leading up from the patio makes two (2) angled turns to become an exterior stucco balcony with shaped wood supports. There is an ornamental pool with multicolored tile in the courtyard attached to the building. Several of the large windows are made of stained glass. A few of the smaller windows have been replaced with modern sliders. There is a shaped cornice under the roof tiles for the wing on Eighth Street. The original stucco exterior and roof tiles have been maintained. The condition is good.

This four (4) unit building was constructed in 1932, during the Depression, and prior to the Long Beach earthquake. This was a period in which construction activity was very slow; Long Beach does not have many examples of building construction in 1932. The housing market was still viable, and the quality of the design and materials indicates the continuing demand for well-designed, multi-family, middle-class residences in the City.

The Spanish Colonial Revival architectural style was at its peak of fashion in the early Thirties. This example is richly detailed, with many features exemplifying the full flowering of this style: the exterior balcony with its turned woodwork, accessed by an exterior tiled stair; wood corbelled supports; stucco walls and terra cotta tile roof; some stained glass windows; and particularly the multicolored tile fountain in the courtyard.

The architectural type represented here is courtyard housing, with dwelling units arranged around a central courtyard, often with a fountain as the visual focal point. This housing type was popular in Southern California from approximately 1915-1935, and was associated with the romance of Southern Spain. This example is half of a full courtyard, with a U-shaped configuration surrounding a courtyard containing a Spanish/Moorish colored tile fountain.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7381 § 1, 1996)

16.52.960 - St. John's Missionary Baptist Church.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: St. John's Missionary Baptist Church.

- A. Location, Description and Reasons for Designation. Located at 741 East Tenth Street, this simplified Gothic Revival church is notable for its magnificent stained glass windows. Two (2) large stained glass windows with a segmental arch occupy the main facades; they are subdivided

vertically by wood framing near the sides and a curved transom at the top. The wall surface has two (2) spaced pilasters on each side of the window. The nave and transept are treated similarly on the exterior, as rectangular shapes terminating in a peaked ogee arch. A rectangular corner tower is slightly recessed along Tenth Street where the entry door is placed. The top is shaped as a flattened pointed arch on each side above cutaway corners. The tower contains elongated rectangular windows and a large vent on each side with a segmented arch top. The exterior material is concrete. A blade sign shaped to echo the architectural forms contains the name of the church, and appears to be contemporary or nearly so. The condition is good.

This large-scale church is a significant architectural monument in its neighborhood, and is a notable visual landmark. It is particularly significant for its large and richly designed stained glass windows.

The history of this monumental historical church reveals the strength and cultural importance of religious organizations in the history of Long Beach. The building was constructed by the First Church of the Nazarene, which was founded in Long Beach in 1905. The Church purchased the site in 1919 and constructed the building in 1923, using the building for religious and community purposes until 1956. Earthquake damage to the church in 1933 was repaired and the building restored. Among their most popular activities was a radio broadcast known as "The Little Church of the Fireside", launched in 1947. The congregation continued to grow and moved into a larger building which they constructed at 5253 Los Coyotes Diagonal in 1960. The existing building at Tenth and Olive was purchased by St. John Baptist Church, which had been founded in 1949 as a Bible study group. They were formally established as a church in 1952 and moved into the church building in 1958. The Church has a major educational mission. The people associated with the formal establishment of a church in the community and those who served as pastors may all be considered significant to the community. For the Nazarene Church, the founding evangelist was W. C. Wilson, who organized the Church in 1905 and served twice as its pastor. During the pastorate of Rev. J. I. Hill from 1919 to 1924, the subject church building was constructed. Rev. J. E. Williams served as pastor there from 1929 to 1940 and established the radio broadcast program. The twelve (12) founders of St. John Missionary Baptist Church were: John S. Grigsby, Malissa Green, Willa Connor, Palmer Dickson, Sam Wilks, William Atwater, Lola Atwater, Rufus Harris, Robert Hill, Jewel Hill, Jennie Mae Whitfield and R. B. White. The first pastor was Rev. S. Noble; the current pastor is Dr. Ralph J. Mosby, Jr.

The style of this building is Gothic Revival, a style traditionally in favor with church architecture in America because of its long European heritage associated with medieval cathedrals. The early years of the Twenties in Southern California saw the proliferation of "period revival" styles in architecture. Particularly outstanding in this building are the monumental stained glass windows, one appearing on each facade of the corner-sited building.

Typical of church architecture is the monumental scale, the impressive and architecturally elaborate facades, and the use of a tower, in this example a single corner tower.

This building has been part of its residential neighborhood for more than seventy (70) years and is a visual landmark in the neighborhood due to its scale and magnificent stained glass. Its corner siting enhances its visual prominence.

B.

The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the building. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structure shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7381 § 2, 1996)

16.52.970 - The James Beer Residence.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The James Beer Residence.

- A. Location, Description and Reasons for Designation. Located at 1503 East Ocean Boulevard, The James Beer Residence is a two-and-a-half-story, single-family residence, Mission Revival in style. The exterior is light grey pebbly concrete; the roof is composition. Extended rafter tails support wide eaves. The main mass of the house is intersected by a transverse mass centrally placed in the facade, containing a recessed porch and picture window above. Tall curvilinear gables accented with molding to highlight the outline rise above the pitched roof at each of the gable ends, with a lower one in the rear. Inside the two (2) side gables is a quatrefoil inset with a small square window. The windows are Craftsman in type, with divided light transoms. Each window has a label molding above and a plan lintel below. There are several square bays and subsidiary shed roofs breaking up the massing. The deep recessed porch has a decorative wrought iron gate which extends around the west side of the house on top of a low concrete retaining wall. A similar low concrete wall on the east side is plain. The porch pillars have strap molding in place of capitals, with a central dentil on each side of the molding. A landscaped pergola extends the porch on the west side. The three (3) steps leading to the porch have curved corners. Inside, wood beams are visible on the ceiling. There is a large garage and second-story unit accessory structure at the rear facing the side street.

This house was constructed in 1912 and is one of the oldest original residences remaining in place on this Section of Ocean Boulevard, west of Bluff Park Historic District. It is one of the few remaining Mission Revival style buildings in the City; two (2) others identified to date are a residence in Carroll Park, and the Southern Pacific Railroad Depot. Many Mission Revival buildings had been built here in the early years of this century, but many were destroyed in the 1933 earthquake or demolished over the years. The first owner, and probable builder, was contractor J. C. Beer, who lists his occupation as building contractor. He lived across Ocean Boulevard at 1400 until 1914 when he moved to this house, at that time the address being 1403 East Ocean. His office was at the Long Beach Pleasure Pier. He lived at this address through the Twenties. The James Beer Residence recalls the early history of Long Beach when homes were first constructed on prime lots along Ocean Boulevard. Its architectural style, Mission Revival, is also a rare historical survivor, recalling a style that was popular in Southern California from 1905 to 1915. Many early photographs of homes, schools, churches and hotels show the popularity of Mission Revival. However, almost all examples of this style in Long Beach are gone today. This building recalls the lost architecture of an earlier period. The Mission Revival's most distinctive feature was the curvilinear gable, derived from Mission churches. The exterior material was stucco or concrete, reflecting adobe prototypes. Other typical features were

cubic massing, square piers, and simple unadorned surfaces. When ornament was used, it was Spanish Baroque in character, such as the quatrefoil in the gable. Often, Craftsman features were mixed in, such as the protruding rafter tails supporting the roof and the window type with subdivided transom lights.

The James Beer Residence is part of the evolution of residential development along Ocean Boulevard, the City's premier residential location. It represents the first phase of construction, which consisted of large single-family homes on prime lots with ocean views.

- B. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" are incorporated by reference, and shall serve as standards and guidelines for future exterior changes to the buildings. All exterior changes, whether or not they require a building permit, shall require a Certificate of Appropriateness from the Cultural Heritage Commission. Any exterior alterations, modifications or repair of the structures shall be consistent with the character-defining architectural features, and shall not adversely affect the historical materials, design or detailing.

(Ord. C-7393 § 1, 1996)

16.52.980 - The Garvey House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Garvey House.

- A. Location, Description and Reasons for Designation. Constructed between 1904 and 1906 and located at 2718 East Seventh Street, the Garvey House is a two and one-half-story Victorian with all of its original features intact. It has a steep cross-gable roof with pendant trefoil ornament on the gable edges. The gable ends are slightly flared, and the roof edges wrap partially around the corners. There is a skirt roof at the midpoint of the gable and fishscale shingles above. The corner porch is recessed and supported by slender Doric columns. The picture window adjacent is tripartite with a fixed center pane and two (2) side casements. The transom has narrow vertical muntins ending in a pointed arch; this same motif is found in the upper panes of many windows on the house. The casements have similar muntin patterns with a diamond shape in the center. The front entry door is paneled with a large oval pane of beveled glass. The small hall window has the pointed arch ornate muntin pattern. On the east side is a shallow bay, containing three (3) windows, again with the ornate upper panes. The facade has a second-story balcony with brackets and ornate turned rails in a central panel. Rear decks on both floors are enclosed by intricate cut-out patterned rails. The exterior is clad in narrow shiplap siding. All the windows and doors have wide board frames. There is also an original barn and carriage house in the rear, and vintage gaslight fixtures. The interior contains its original floor plan, a stair with ornate baluster, and an ornate, baroque-inspired fireplace. Later additions include a fenced enclosure on the west, picket fences and a picket archway on the east, and a jacuzzi pavilion.

The historic value of this house is that it represents the first phase of residential settlement in the City of Long Beach, in the first decade of this century, when the rate of population growth was six hundred ninety percent (690%), the highest in the Nation. Residential development along Seventh Street was just beginning in the early 1900s. Very few of the first homes built on Seventh Street survive today on this commercial thoroughfare. This home is one of the best preserved early homes

on Seventh Street, and one of the finest examples of Victorian architecture in the City. The trefoil pendants and rich window detailing are unusual features in Long Beach Victorians, which generally are simple and austere.

- B. Rationale for Historic Landmark Designation. In accordance with the provisions of Section 2.63.050 of this Code, the City Council finds that the following reasons exist relative to the designation of the Garvey House as an historic landmark:
1. The Garvey House possesses a significant character, interest and value attributable to the development, heritage and cultural characteristics of the City, the Southern California region, and the State of California. The house is one of the only remaining Victorian homes surviving on Seventh Street. Its continued presence on the street denotes the first residential construction in the area, most of which has to date disappeared. The location of the house indicates the patterns of residential settlement when Long Beach was a young City, with homes dispersed over a wide area several miles from downtown. This Victorian house is one of the larger-scale early residences in the City.
 2. The Garvey House portrays the environment in an era of history characterized by its distinctive architectural style. The house is an excellent and well-preserved example of Victorian architecture, with gothic revival features. Its steeply pitched roof, slender porch columns with ornate capitals, elaborate window mullions, narrow clapboard siding, and decorative shingles under the gable, are all typical Victorian features.
 3. The Garvey House embodies those distinguishing characteristics of an architectural type or engineering specimen. The house has typical features of the Victorian dwelling: a steep roof containing an attic, an off-set front porch at one corner, windows with tall proportions, enriched surface textures and details. The use of jigsaw decorative ornament, found on the roof eaves and deck railings is also typical of the Victorian fascination with using machines to intricately cut and turn wood. The house is solid redwood construction. In addition, the accessory structures are reminders of the Victorian era. The carriage house and barn still exist in their original condition behind the house. The carriage house has raised tracks on the floor for the wheels of the carriage and the barn has a hayloft for the horse, and the original barn doors.
- C. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the United States Secretary of the Interior (Revised, 1991), as amended, as well as the "Procedures for Administering the Certificate of Appropriateness" found in Section 2.63.070 of this Code are incorporated herein by this reference. The guidelines are to be used as standards for the Cultural Heritage Commission in making decisions about Certificates of Appropriateness as required by Chapter 2.63 of this Code. The guidelines are an aid to property owners and others formulating plans for new construction, for rehabilitation or alteration of an existing structure, and for site development. The goal of the Certificate of Appropriateness review is to retain and preserve all original architectural materials and design features; to encourage rehabilitation which restores original historic fabric rather than remodels; and to ensure architectural compatibility between new and old.
- D. Standards and Guidelines.
1. Changes requiring a Certificate of Appropriateness from the Cultural Heritage Commission are as follows:
 - a. Alterations or additions to roof; change in roof materials.

- b. Additions.
 - c. Alterations to structure including foundation.
 - d. Alterations to windows.
 - e. Changes to doors and doorways.
 - f. Changes to exterior materials or colors.
 - g. Relocation of exterior walkways or driveways.
 - h. Alteration or addition to fencing and exterior patio walls.
2. The following guidelines shall be standards to guide property owners, architects, contractors and the Cultural Heritage Commission in reviewing proposed changes:
- a. Additions shall be compatible in materials and design, and shall be subordinate in scale, to the existing building.
 - b. Important architectural features which define the character of the historic style shall not be removed or obscured. These include roofline, exterior cladding, historic wood sash windows on the facade or sides of the house, porch supports, original doors, and other original structural and decorative features.

(Ord. C-7448 § 1, 1997)

16.52.990 - The Bay Hotel.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Bay Hotel.

- A. Location, Description and Reasons for Designation. Constructed in 1924 and located at 318 Elm Avenue, the Bay Hotel is a rectangular three-story brick building with penthouse, Italian Renaissance in style. It contains retail storefronts at the ground floor and two (2) floors of residential units above. The roof is flat. The facade is divided into three (3) bays; the central bay with five (5) evenly-spaced rectangular window openings and the side bays one (1) window wide. The side bays contain two-story arches, each composed of radiating brick with keystones and terra cotta columns. Within the arches is a semicircle of decorative terra cotta tile at the top, followed by a window, then a three (3) foot by four foot (4') grid of decorative terra cotta tile and another window at the bottom. The decorative tile has a matte finish with muted tones of green, cream and coral. The midpoint above the top windows has an inset circle. The facade brick is golden colored and textured with brick bands marking each story. The sides and rear are common brick with ghosted signage. The four (4) ground-floor storefronts have large plate glass show windows with recessed glass doors. The bulkheads are ceramic tile, overpainted. There is a wide opaque glass transom with panels divided by turned wood posts. Above the transom runs a frieze, ornamented with decorative polychrome terra cotta, repeated in side pilasters framing the outside perimeter of the storefronts. The windows are double hung, multi-paned wood sash. There is a fire escape on the two (2) northern-most windows of the central bay.

The exterior is intact and unaltered except for a chopped-off cornice line, the result of post-1933 earthquake repairs. Original drawings show a tile-covered shed roof between two (2) low-side towers. The original steel casement windows have been recently replaced with double-hung wood sash multi-paned windows as part of a recent rehabilitation and seismic upgrade.

The building was constructed as a "Bachelor Hotel", with thirty (30) small-size units on the second and third floors arranged around a central light court. There were central shared bathroom facilities, and a two (2) room penthouse for the manager at the top. The original drawings dated 1924 were signed by contractor T. S. Shutt, whose office was at 140 Bonito in Long Beach. A building listed as Shutt Building Apartments was located at 401 ½ East Third Street and 308 Elm Avenue. Construction drawings in City Hall microfiche files also show earthquake repairs, presumably after the 1933 earthquake with the name of Gilbert Stanley Underwood, architect, written in at 101 American Avenue. However, City Directories do not confirm this.

The building is significant as an intact example of mixed-use residential apartment hotel combined with ground floor storefronts, a building type common in the 1920s. Architecturally, it is a very good example of Renaissance Revival design with fine facade brickwork and extra detailing such as the inset arches and decorative polychrome terra cotta. It is unusual to have the original storefronts and transoms perfectly preserved.

B. Rationale for Historic Landmark Designation. In accordance with the provisions of Section 2.63.050 of this Code, the City Council finds that the following reasons exist relative to the designation of the Bay Hotel as an historic landmark:

1. The Bay Hotel possesses a significant character, interest or value attributable to the development, heritage or cultural characteristics of the City, the Southern California region and the State of California. In addition to its architectural features, the Bay Hotel functioned as a "working mens" house and is evidence of the economic boom of Long Beach in the early 1920s, in part the result of the Signal Hill oil strike. Many jobs were created in the oil fields, as well as in other parts of a booming local economy. The use of the Bay Hotel has remained consistent over seven (7) decades. While there are other examples of mixed use projects remaining in downtown Long Beach, the Bay Hotel is architecturally the most distinguished.
2. The Bay Hotel portrays the environment in an era of history characterized by its distinctive architectural style. The Renaissance Revival style is carried out in composition and in detailing. The facade is divided into a base, mid-section and cornice. It is also divided into three (3) bays, with five (5) evenly-spaced rectangular windows in the central bay, flanked by arches in the side bays. Each section is clearly articulated with marked divisions. Panels of terra cotta ornament, geometric and foliate in design, are placed in the frieze above the transom windows, the pilasters at the ground floor corners, and around the windows in the arched sections. The facade brickwork is gold textured brick, while common red brick is used for the side and rear walls.
3. The Bay Hotel embodies those distinguishing characteristics of an architectural type or engineering specimen. The hotel exemplifies the major characteristics of a Renaissance Revival mixed use building, including its original storefronts which have never been remodeled.
4. The Bay Hotel is part of or related to a distinctive feature and should be developed or preserved according to a specific historic, cultural or architectural motif. The Bay Hotel was part of the downtown residential district of the 1920s, which produced apartments, single-room occupancy buildings as well as elegant apartment hotels in Long Beach. As a brick apartment building over commercial storefronts, it is similar to the Broadlind Hotel, the Kennedy Hotel and others. The historical theme is housing patterns of the 1920s.

- C. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the United States Secretary of the Interior (Revised, 1991), as amended, as well as the "Procedures for Administering the Certificate of Appropriateness" found in Section 2.63.070 of this Code are incorporated herein by this reference. The guidelines are to be used as standards for the Cultural Heritage Commission in making decisions about Certificates of Appropriateness as required by Chapter 2.63 of this Code. The guidelines are an aid to property owners and others formulating plans for new construction, for rehabilitation or alteration of an existing structure, and for site development. The goal of the Certificate of Appropriateness review is to retain and preserve all original architectural materials and design features; to encourage rehabilitation which restores original historic fabric rather than remodels; and to ensure architectural compatibility between new and old.
- D. Standards and Guidelines.
1. Changes requiring a Certificate of Appropriateness from the Cultural Heritage Commission are as follows:
 - a. Alterations or additions to roof; change in roof materials.
 - b. Additions.
 - c. Alterations to structure including foundation.
 - d. Alterations to windows.
 - e. Changes to doors and doorways.
 - f. Changes to exterior materials or colors.
 - g. Signage.
 2. The following guidelines shall be standards to guide property owners, architects, contractors and the Cultural Heritage Commission in reviewing proposed changes:
 - a. Additions shall be compatible in materials and design, and shall be subordinate in scale, to the existing building.
 - b. Important architectural features which define the character of the historic style shall not be removed or obscured. These include brick and terra cotta, original storefronts and transoms, window placement, and other original structural and decorative features.

(Ord. C-7448 § 2, 1997)

16.52.1000 - The Ringheim/Wells House.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historical landmark in the City: The Ringheim/Wells House.

- A. Location, Description and Reasons for Designation. Constructed in 1907-08 and located at 4031 East Fifth Street, the Ringheim/Wells House is one of the first residences constructed in its neighborhood in southeast Long Beach. The land was mapped in 1888 as the Alamitos Beach Townsite, and the subdivision of the block was recorded as Brown's Tract in 1904. The first owner was Sarah K. Ringheim. A two and one-half-story Victorian, with steeply pitched cross gable roof, the house was built at a time when the Victorian style was passing out of favor and replaced by Craftsman style architecture. The house shows the survival of conservative architectural styles in Long Beach and its location demonstrates a dispersed pattern of residential settlement when the City was young. In 1907, the location of the house was outside of the City limits. The City

experienced its largest surge in population in the decade 1900 through 1910, and the survival today of the Ringheim/Wells House in its outlying location is a reminder of the tremendous growth of Long Beach at that time. The house is clad in narrow shiplap siding which extends down to the ground and to the porch wall. The attic story is faced with fishscale shingles, which are graduated in size above the vent. A horizontal molding strip runs from the porch rail under the windows and around the house. On the front, a pair of double-hung windows with shutters are placed in the center of the second story. All the windows are wood sash double-hung, with a wide board surround. The entry door has a large pane of glass and two (2) side lights extending down two-thirds of the door height. The front porch, five (5) steps up, is offset to one side, balanced by a bay window on the other side. A second bay window is placed on the west wall, so that the living room has two (2) bay windows. The porch is supported by paired Corinthian columns. A plain frieze under the porch roof connects to the front bay window. The cornice is boxed and the eaves extend around the corners. The roof material is composition. A second smaller house was added in the rear yard in 1923 and a garage was constructed in 1929. There is a white picket fence on the property line, and the interior of the house is largely intact and original. Overall, the condition of the home is excellent.

- B. Rationale for Historic Landmark Designation. In accordance with the provisions of Section 2.63.050 of this Code, the City Council finds that the following reasons exist relative to the designation of the Ringheim/Wells House as an historic landmark:
1. The Ringheim/Wells House possesses a significant character, interest or value attributable to the development, heritage and cultural characteristics of the City, the Southern California region, and the State of California. The Ringheim/Wells House is significant as an outstanding example of Victorian architecture in Long Beach, and shows a continuing popularity of an older architectural tradition in this community where Victorians continued to be built during the first decade of the 1900s. The house also illustrates the early widely disbursed patterns of settlement in the Long Beach area, outside of the City limits. The house is the largest Victorian in the neighborhood, and is one of the first homes constructed in the area. The house was constructed in 1907-08 and has been occupied continuously since that time, but has retained its original architectural integrity. It is one of the oldest and most monumental homes in the neighborhood.
 2. The Ringheim/Wells House portrays the environment in an era of history characterized by its distinctive architectural style. The house is an excellent and intact example of Victorian architecture, which was prevalent in Long Beach from the 1880s through the early 1900s. It has all of the characteristics of the Victorian style: a high profile with tall, narrow proportions; steep cross gable roof with boxed fascia; an offset front porch with decorative columns; bay windows; narrow clapboard siding and fishscale shingle cladding.
- C. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the United States Secretary of the Interior (Revised, 1991), as amended, as well as the "Procedures for Administering the Certificate of Appropriateness" found in Section 2.63.070 of this Code are incorporated herein by this reference. The guidelines are to be used as standards for the Cultural Heritage Commission in making decisions about Certificates of Appropriateness as required by Chapter 2.63 of this Code. The guidelines are an aid to property owners and others formulating plans for new construction, for rehabilitation or alteration of an existing structure, and for site development. The goal of the

Certificate of Appropriateness review is to retain and preserve all original architectural materials and design features; to encourage rehabilitation which restores original historic fabric rather than remodels; and to ensure architectural compatibility between new and old.

D. Standards and Guidelines.

1. Changes requiring a Certificate of Appropriateness from the Cultural Heritage Commission are as follows:
 - a. Alterations or additions to roof; change in roof materials.
 - b. Additions.
 - c. Alterations to structure including foundation.
 - d. Alterations to windows.
 - e. Changes to doors and doorways.
 - f. Changes to exterior materials or colors.
 - g. Changes to exterior walkways or driveways.
 - h. Alteration or addition to fencing.
2. The following guidelines shall be standards to guide property owners, architects, contractors and the Cultural Heritage Commission in reviewing proposed changes:
 - a. Additions shall be compatible in materials and design, and shall be subordinate in scale, to the existing building.
 - b. Important architectural features which define the character of the historic style shall not be removed or obscured. These include roofline, exterior cladding, historic wood sash windows on the facade or sides of the house, porch supports, original doors, and other original structural and decorative features.

(Ord. C-7455 § 1, 1997)

16.52.1010 - The Kale House and attached Music Art Hall.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as historical landmarks in the City: The Kale House and attached Music Art Hall.

- A. Location, Description and Reasons for Designation. Constructed in 1907 and located at 853 Linden Avenue, the Kale House was constructed by owner and builder W. S. Kale in an eclectic and unique architectural style. The house combines Victorian, Craftsman and Prairie features. The plaster exterior and sand finish is original. The main entrance on Linden Avenue is set off by a centrally placed projecting front porch with flattened arches continuing into wide pier supports, and a flat roof. A second-story door accesses the roof as a balcony. A second-story round tower with conical roof is placed at the corner; it is supported by wood brackets and has a series of double-hung windows with paired semicircular arches in mirror image in the upper pane. A series of three (3) windows similar in design to the tower, but wider, forms a bay at the corner of the first floor. The front porch is asymmetrical and extends under the corner tower as an open patio with low retaining wall. A composition truncated hip roof is placed over the house, and the whole roof has exposed extended rafter tails. Windows are wide, framed with wood with finely detailed molding. Many windows have the opposed semicircular pattern of muntins in the transom, in various dimensions. South of the porch, the picture window is shaped as a flattened arch with three-part transom, with small opposed semicircles in the center. Above is a Craftsman-style

tripartite window with fixed center pane containing the semicircles in the transom, and narrow double-hung windows on both sides. The front door is a Craftsman type with square panes, three (3) over three (3). On the Ninth Street side, a tapered chimney is pierced by a window on the first floor. A small addition of a bathroom and closet from 1941 is found on the south side facing Linden Avenue. A one-story passageway with vertical siding links the house to the assembly hall at 440 East Ninth Street.

The attached Music Art Hall at 440 East Ninth Street was originally constructed in 1936 and later became known as the Alford Arts Academy. As the size of the hall was equivalent to a small-scale, single-family house, the hall blended easily into the residential neighborhood. During its history, two (2) different religious organizations occupied the hall: first the Church of Religious Science, then Temple Beth-El. The mix of residential, artistic and religious institutional uses of the building over the years has contributed positively to the cultural life of the neighborhood and the City. The hall is clad in plaster and has a gable roof, the edge of which is framed by a frieze. Its symmetrical facade is dominated by an arched entryway framed by pilasters and molded arch trim, articulated by column bases at the springing of the arch. The semicircular door is recessed behind a decorative wrought iron gate, with glass fanlight and a row of rectangular windows in the door. A square window with detailed wide molding is placed above the door. Two (2) large, tall narrow windows with no exterior framing are slightly inset on each side of the entry. The interior contains a wood floor, a stage, and an elaborate wood truss system of shaped exposed beams under the roof.

Both the Kale House and the attached Music Art Hall have a unique history and significance in the City. William S. Kale, original owner and builder, spent more than twice the usual cost of building the single-family house; the cost was four thousand five hundred dollars (\$4,500.00) as compared with the usual building cost of from one thousand five hundred dollars (\$1,500.00) to two thousand dollars (\$2,000.00). This expenditure of money explains the fine craftsmanship and unique design features of the structure. Additionally, Mr. Kale constructed an "auto barn" in 1907, indicating that he was an early car owner. Mr. Kale lived on the property until 1914 and was succeeded by R. M. Moore, who worked in real estate. In 1925, the house was occupied by Sam L. Moore, also in real estate. In 1931, Rolla Alford, a music teacher, moved in along with E. T. Bell, and it was Mr. Bell who constructed the Music Art Hall.

The history of the Kale House and the Music Art Hall and their evolution are interesting chapters in the history of Long Beach, illustrating the ebb and flow of cultural and religious activities intertwined with the history of individual people. The transformation of a sumptuous and imposing residence into a cultural institution, accomplished by Rolla Alford, took place during the Great Depression and Second World War. Continued residential use coexisted with art activities.

The two (2) structures have a high level of architectural style. The Kale House has many similarities to other homes in the area constructed in the same time period; however, it is a unique creation with many customized architectural features and design amenities. The stucco cladding, simple massing, low-pitched roof and horizontal projecting porch relating to the Prairie style; the corner tower and bay, intricate moldings and patterned window mullions derive from Victorian precedents; and the exposed roof rafters, window type and proportions, door, and interiors, come from the Craftsman style. The Arts Hall also defies stylistic classification, blending motifs from different architectural traditions. The facade is a simplified Spanish Renaissance, while the interior wood truss ceiling is reminiscent of Gothic-style churches.

- B. Rationale for Historic Landmark Designation. In accordance with the provisions of Section 2.63.050 of this Code, the City Council finds that the following reasons exist relative to the designation of the Kale House and the Music Art Hall as historic landmarks:
1. The Kale House and the Music Art Hall possess a significant character, interest or value attributable to the development, heritage and cultural characteristics of the City, the Southern California region, and the State of California. When originally constructed in 1907 at great expense, the Kale House was intended by its owner/builder to be a significant and prestigious home. The home demonstrates the high quality and style in residential architecture that is sometimes manifest during the early years of Long Beach's development. While the first decade of the 1900s saw a building boom in Long Beach, this house is both part of that boom and distinguished from it by its unique architectural qualities. The designer created an eclectic blend of three (3) different architectural styles: Victorian, Craftsman and Prairie. The window designs are unique and individual. A further dimension of cultural value was added with the construction of the adjacent Music Art Hall in 1936, which later became the Alford Arts Academy. As its size was equivalent to a small-scale, single-family house, the Hall blended easily into the residential neighborhood. Later, two (2) different religious organizations occupied the property: first the Church of Religious Science, then Temple Beth-El. The mix of residential, artistic and religious institutional uses of the buildings over the years has contributed positively to the cultural life of the neighborhood and the City.
 2. The Kale House and the attached Music Art Hall contain elements of design, detail, materials or craftsmanship which represent a significant innovation.

The eclectic design of the Kale House and many of its unique design features represent a significant innovation for its period. The stucco cladding, simple massing, low-pitched hip roof and projecting front porch with its strong horizontal roofline are features of Prairie architectural style. The corner turret with a conical roof and a bay window below derive from Victorian Queen Ann architecture. The window types, front door, extended rafter tails and many interior design features relate to the Craftsman style. The opposing semicircular designs in the upper portion of the windows are unique and unusual. The Music Art Hall likewise reflects an eclectic style with many unique design features including a simplified Spanish Renaissance facade and interior wood truss ceiling reminiscent of Gothic-styled churches.
 3. The Kale House and the attached Music Art Hall represent an established and familiar visual feature of a neighborhood or community due to its unique location or specific distinguishing characteristics. The unusual architectural design of the Kale House, with its corner turret and conical roof placed at the intersection of Ninth Street and Linden Avenue, is a visual landmark in the neighborhood. The coupling of the house with the attached Music Art Hall is likewise unique and distinctive. The bold, simple design of the auditorium facade establishes a strong visual presence in its residential neighborhood.
- C. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the United States Secretary of the Interior (Revised, 1991), as amended, as well as the "Procedures for Administering the Certificate of Appropriateness" found in Section 2.63.070 of this Code are incorporated herein by this reference. The guidelines are to be used as standards for the Cultural Heritage Commission in making decisions about Certificates of Appropriateness as required by Chapter 2.63 of this Code. The guidelines are an aid to property owners and others formulating plans for new construction,

for rehabilitation or alteration of an existing structure, and for site development. The goal of the Certificate of Appropriateness review is to retain and preserve all original architectural materials and design features; to encourage rehabilitation which restores original historic fabric rather than remodels; and to ensure architectural compatibility between new and old.

D. Standards and Guidelines.

1. Changes requiring a Certificate of Appropriateness from the Cultural Heritage Commission are as follows:
 - a. Alterations or additions to roof; change in roof materials.
 - b. Additions.
 - c. Alterations to structure including foundation.
 - d. Alterations to windows.
 - e. Changes to doors and doorways.
 - f. Changes to exterior materials or colors.
 - g. Changes to exterior walkways or driveways.
 - h. Alterations or addition to fencing.
2. The following guidelines shall be standards to guide property owners, architects, contractors and the Cultural Heritage Commission in reviewing proposed changes:
 - a. Additions shall be compatible in materials and design, and shall be subordinate in scale, to the existing building.
 - b. Important architectural features which define the character of the historic style shall not be removed or obscured. These include roofline, exterior cladding, historic wood sash windows on the facade or sides of the house, porch supports, original doors, and other original structural and decorative features.

(Ord. C-7476 § 1, 1997)

16.52.1020 - The Foster & Kleiser Building.

Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following buildings as historical landmarks in the City: The Foster & Kleiser Building, constructed in 1923, and a garage plus an office building constructed by Foster & Kleiser in 1930.

- A. Location, Description and Reasons for Designation. Constructed in 1923, added on to in 1930, and located at 1429 Magnolia Avenue, the Foster & Kleiser Building was designed by noted Long Beach architect Clarence Aldrich in the Mission Revival style, with some Art Deco detailing on the towers. The property contains three (3) distinct sections: an older building constructed in 1923 and used by Foster & Kleiser for manufacturing billboards; and a garage plus an office building constructed in 1930. The office facade fronts on Magnolia Street and has an asymmetrically placed arched doorway with molded arch inset in a rectangular frame. The recessed door is the original one, wood with glass center, sidelights and transom window. Tall double-hung wood sash multipaned windows pierce the stucco facade, two (2) on one side of the door, three (3) on the other. The dominant architectural feature is the paired corner Mission Revival towers, with round copper domes (now painted). A strap relief ornament placed under the domes is an upside-down Art Deco skyscraper or inverted stepped pattern. The interior contains approximately ten (10) offices which have their original wood compartment walls, constructed of finely detailed

hardwood (now painted) and glass. The original wood doors with transom windows are still in place. The bathroom floor has colorful, detailed hexagonal tile. The interior is illuminated by metal frame wire glass vertical skylights with their original hardware. The rest of the office interior has been modernized. The brick masonry garage with wood bridge truss ceiling is used today for manufacturing, and has a dropped ceiling. The interior walls are painted brick and the windows are steel casement with wire glass. The exterior facade on Cowles Street is stuccoed; the facade facing the parking area is red brick masonry with a dutch gable. The anchor bolts piercing the facade trace the arched outline of the truss ceiling. The 1923 manufacturing building has a stucco front on Cowles Street, but corrugated aluminum walls inside and on the wall facing the parking lot. The exterior of this building on Cowles has an asymmetrical curvilinear roofline at the corner and a false front with a horizontal roofline. Inside, there is a pitched roof, pierced by sky lights. The interior contains multiple wood vertical supports and wood horizontal beams originally fabricated for billboard manufacture. Both the garage and 1923 manufacturing building have large garage doors, modern steel ones on Cowles Street and older ones on the parking lot side. There is a vintage freestanding low billboard sign at the edge of the property facing southward bound traffic on Magnolia, a configuration common for 1920's billboards.

- B. Rationale for Historic Landmark Designation. In accordance with the provisions of Section 2.63.050 of this Code, the City Council finds that the following reasons exist relative to the designation of the Foster & Kleiser Building constructed in 1923 and the Foster & Kleiser garage plus office building constructed in 1930 as historic landmarks:
1. The Foster & Kleiser Building and garage plus office building possess a significant character, interest or value attributable to the development, heritage or cultural characteristics of the City, the Southern California region, and the State of California. As the South Bay headquarters of a major industrial firm, Foster & Kleiser Outdoor Advertising, this property was an important factor in the economy of Long Beach. It signaled the importance of the City as a venue for the Foster & Kleiser market, along with other major cities on the West Coast. It is also symptomatic of the leading role that automobiles and auto-related infrastructure played in the development of Southern California. As streets, boulevards, highways and freeways were laid out and expanded, the commercial billboard was not far behind. The nation's "car culture" is primarily associated with Southern California, along with its various architectural artifacts, including the manufacture of billboard advertising. The Long Beach branch of Foster & Kleiser was acquired in 1922 by purchasing property from H. B. Whited. The construction of the Long Beach branch was supervised by Mr. George Kleiser personally, and opened in 1923. The office portion and garage were constructed in 1930 and established an architectural presence on Magnolia Avenue. The Foster & Kleiser firm remained at the location until 1962, when it was closed and consolidated by Metro Media with the Los Angeles branch. In 1964, another business, Power Conversion, Inc., an electronics firm, moved into the buildings. Reminders of the Foster & Kleiser legacy remain in the vintage billboard on Magnolia Street and in the interior of the older building on Cowles Street, with its framework for billboard manufacture. Today the complex of buildings continues in industrial use as a small manufacturing plant. The Foster & Kleiser company was very important to the economy of Southern California, nourished by the predominance of the automobile, boulevards and freeways, in the creation of a regional "car culture". In addition,

the architect, Clarence Aldrich, was a prominent Long Beach architect, who also designed a Tudor Revival mansion at 4252 Country Club Drive in Long Beach in 1927 which has since been designated as a Long Beach historic landmark: The Dawson-Prey House.

2. The Foster & Kleiser buildings contain elements of design, detail, materials or craftsmanship which represent a significant innovation. Architecturally, the office portion of the complex is significant for its style, Mission Revival, which makes a late appearance in this building. The Mission Revival style was prevalent from approximately 1905 through 1915 and by 1930 had long been eclipsed. Thus, the building may be considered Mission Revival. The cascading stepped relief design on the towers, looking like an upside-down skyscraper, is an Art Deco reinterpretation of the Mission Revival strap ornament. The plain stucco walls and terra cotta roof are classic features of Spanish Colonial Revival designs which were prevalent in 1930. The building makes a dramatic architectural statement, unusual in a manufacturing district.
 3. The Foster & Kleiser Building is associated with the life of a person or persons significant to the community, City, region or Nation. Mr. Walter Foster and Mr. George Kleiser were pioneering business entrepreneurs, who founded a small business in 1901 which expanded to a nationwide chain by 1929. Their accomplishment in creating a new business activity, which was perfectly suited to the times, was visionary. Mr. Kleiser served as President of the Outdoor Advertising Association of America from 1930-1935. During the Second World War, Foster & Kleiser manufactured defense material and assisted in the war effort, for which they were recognized in a Times Magazine article in 1944.
 4. The Foster & Kleiser Building portrays the environment in an era of history characterized by a distinctive architectural style. The Mission Revival style of the office building is associated with the Southern California region, and was popular from approximately 1905 through 1915 as a vernacular style recalling the Southern California missions. Its revival in this building, constructed in 1930, is a more nostalgic and romantic evocation of California's past. Characteristic features are the use of stucco walls and red tile roof, simple doors and windows, and particularly the pair of Mission Revival towers at the corners, topped with a hemispherical dome. An Art Deco flavor is imparted to the towers with the inverted stepped relief forms which cascade from the domes, reflecting a 1930's esthetic.
 5. The Foster & Kleiser buildings embody those distinguishing characteristics of an architectural type or engineering specimen. One portion of the property contains an industrial building where the billboards were manufactured. It is typical of its time and its function. A large rectangular "barn" with a gabled roof lit by skylights, it contains a system of interior posts and beams built as the scaffolding for billboard painting and manufacture.
 6. The Foster & Kleiser buildings are part of or related to a distinctive area and should be developed or preserved according to a specific historical, cultural or architectural motif. The buildings are located in the industrial section of downtown Long Beach, and are part of its distinct identity. However, the buildings have a more impressive architectural presence than other industrial buildings surrounding it.
- C. General Guidelines and Standards for Any Changes. The "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" prepared by the United States Secretary of the Interior (Revised, 1991), as amended, as well as the "Procedures for Administering the Certificate of Appropriateness" found in Section 2.63.070 of this Code are incorporated herein by this reference. The guidelines are to be used as standards for the Cultural Heritage Commission in making decisions about Certificates of Appropriateness as required by Chapter 2.63 of this Code.

The guidelines are an aid to property owners and others formulating plans for new construction, for rehabilitation or alteration of an existing structure, and for site development. The goal of the Certificate of Appropriateness review is to retain and preserve all original architectural materials and design features; to encourage rehabilitation which restores original historic fabric rather than remodels; and to ensure architectural compatibility between new and old.

D. Standards and Guidelines.

1. Changes requiring a Certificate of Appropriateness from the Cultural Heritage Commission are as follows:
 - a. Alterations or additions to roof; change in roof materials.
 - b. Additions.
 - c. Alterations to structure including foundation.
 - d. Alterations to windows.
 - e. Changes to doors and doorways.
 - f. Changes to exterior materials or colors.
 - g. Changes to exterior walkways or driveways.
 - h. Alterations or addition to fencing.
2. The following guidelines shall be standards to guide property owners, architects, contractors and the Cultural Heritage Commission in reviewing proposed changes:
 - a. Additions shall be compatible in materials and design, and shall be subordinate in scale, to the existing building.
 - b. Important architectural features which define the character of the historic style shall not be removed or obscured. These include roofline, exterior cladding, historic wood sash windows on the facade or sides of the house, porch supports, original doors, and other original structural and decorative features.

(Ord. C-7498 § 1, 1997)

16.52.1030 - The Anna R. Brown Residence.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: The Anna R. Brown Residence, constructed in 1901 for Anna R. Brown, wife of Edward R. Brown. The Anna R. Brown Residence is located at 1205 East Ocean Boulevard.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodified Section 2 of Ordinance No. C-7537.

(Ord. C-7537 § 1, 1998)

16.52.1040 - The Butler Residence.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: The Butler Residence, constructed in 1932 for Mrs. Minnie Butler. The Butler Residence is located at 251 Junipero Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodified Section 2 of Ordinance No. C-7553.

(Ord. C-7553 § 1, 1998)

16.52.1050 - The Long Beach Unity Church.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: The Long Beach Unity Church, constructed in 1940. The Long Beach Unity Church is located at 935 East Broadway.

The complete location, description and reasons for historic landmark designation are uncodedified section 2 of Ordinance No. C 7593.

(Ord. C 7593 § 1, 1999)

16.52.1060 - The Packard Motors Building.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: The Packard Motors Building which was constructed in 1926 and located at 205 East Anaheim Street, parcel #7269015016.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7593.

(Ord. C 7593 § 1, 1999)

16.52.1070 - The American Legion Post #560 (Houghton Post).

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The American Legion Post #560 (Houghton Post). The American Legion Post #560 (Houghton Post) is located at 1215 East Fifty-Ninth Street, parcel #7123010023.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C 7592.

(Ord. C 7592 § 1, 1999)

16.52.1080 - The Phillips House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Phillips House which was constructed in 1929 and is located at 5917 Lemon Avenue, parcel #7124022024.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C 7612.

(Ord. C 7612 § 1, 1999)

16.52.1090 - The 1163 Appleton House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The 1163 Appleton House which was constructed in 1895 and is located at 1163 Appleton Street, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C 7672.

(Ord. C 7672 § 1, 2000)

16.52.2000 - The 1169-75 Appleton Street House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The 1169-75 Appleton Street House which was constructed in 1913 and is located at 1169 75 Appleton Street in the City of Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7673.

(Ord. C 7673 § 1, 2000)

16.52.2010 - The Parsonage.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Parsonage which was constructed in 1887 and is located at 640 Pacific Avenue, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7679.

(Ord. C 7679 § 1, 2000)

16.52.2020 - The Esser House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Esser House constructed in 1929 and located at 1001 East First Street, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7692.

(Ord. C 7692 § 1, 2000)

16.52.2030 - Sunnyside Cemetery.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following site as an historic landmark in the City: Sunnyside Cemetery, established in 1906, located at 1095 East Willow Street, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7693.

(Ord. C 7693 § 1, 2000)

16.52.2040 - The Kelly House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Kelly House, located at 705 East Broadway, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7704.

(Ord. C 7704 § 1, 2000)

16.52.2050 - The Alford House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Alford House constructed in 1922 and located at 333 Obispo Avenue, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7771.

(Ord. C 7771 § 1, 2001)

16.52.2060 - The Cannon House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: The Cannon House constructed in 1910 and located at 332 West Thirty-First Street, Long Beach.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7772.

(Ord. C 7772 § 1, 2001)

16.52.2070 - Seashell House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: Seashell House constructed in 1922 and located at 4325 East Sixth Street, Long Beach; APN 7241 001 019.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7803.

(Ord. C 7803 § 1, 2002)

16.52.2080 - Crandell/Howard House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: Crandell/Howard House. Constructed in 1906-1907, the Crandell/Howard House is located at 5725 Corso di Napoli.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C 7854.

(Ord. C 7854 § 1, 2003)

16.52.2090 - Kimpson/Nixon House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Kimpson/Nixon House. Constructed in 1940, the Kimpson/Nixon House is located at 380 Orlena Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C-7855.

(Ord. C-7855 § 1, 2003)

16.52.2100 - Killingsworth Office Building.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Killingsworth Office Building. The Killingsworth Office Building is located at 3833 Long Beach Boulevard.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. C-7891.

(Ord. C-7891 § 1, 2003)

16.52.2110 - Opdahl House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Opdahl House. The Opdahl House is located at 5576 Vesuvian Walk.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7892.

(Ord. C-7892 § 1, 2003)

16.52.2120 - Annie Kinner House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Annie Kinner House. Constructed in 1895, the Annie Kinner House is located at 1612 East Seventh Street.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7893.

(Ord. C-7893 § 1, 2003)

16.52.2130 - Ebell Club.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Ebell Club, 290 Cerritos Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7917.

(Ord. C-7917 § 1, 2004)

16.52.2140 - Ebell Theater.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Ebell Theater, 1100 East Third Street.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7918.

(Ord. C-7918 § 1, 2004)

16.52.2150 - Tolbert House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Tolbert House located at 1105 Linden Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7916.

(Ord. C-7916 § 1, 2004)

16.52.2160 - George's 50's Diner.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: George's 50's Diner, originally known as Grisinger's Drive-In, 4390 Atlantic Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncodedified section 2 of Ordinance No. C-7919.

(Ord. C-7919 § 1, 2004)

16.52.2170 - Delker House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as a historic landmark in the City: Delker House, located at 153 East Twelfth Street.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. 05-0005.

(Ord. 05-0005 § 1, 2005)

16.52.2180 - Espey/Lochridge House.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission, the City Council designates the following building as an historic landmark in the City: Espey/Lochridge House, located at 302 Orizaba Avenue.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. ORD-07-0040.

(ORD-07-0040 § 1, 2007)

16.52.2190 - Palace Hotel.

- A. Pursuant to the provisions of Chapter 2.63 and with the recommendation of the Planning Commission and the Cultural Heritage Commission, the City Council designates the following building as an historic landmark in the City: Palace Hotel, located at 2640-44 East Anaheim Street.
- B. The complete location, description and reasons for historic landmark designation are more fully contained in uncoded section 2 of Ordinance No. ORD-09-0007.

(ORD-09-0007, § 1, 2009)

CHAPTER 16.54 - SHORELINE PARK RECREATIONAL VEHICLE AREA

16.54.010 - Purpose.

The purpose of this Chapter is to set forth provisions of general applicability pertaining to the use and occupancy of the Shoreline Park recreational vehicle area which is held, administered and operated by the City as a tideland asset in accordance with the tideland trust established, created and defined by the legislative grants from the State in Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, and the provisions of Chapter 29, Statutes of 1956, first extraordinary session, and Chapter 138, Statutes of 1964, first extraordinary session.

(Ord. C-5948 § 1, 1983)

16.54.020 - Definitions.

As used in this Chapter:

- A. "City Manager" is the City Manager of the City of Long Beach.
- B. "Manager" is the Manager of the Marine Bureau of the City of Long Beach.
- C. "Park" means the Shoreline Park recreational vehicle area located at 200 West Shoreline Drive and situated on those portions of the tidelands area at the western end of Shoreline Park bounded by Shoreline Drive on the north, Shoreline Drive access road on the east, Queens Way Bay on the south, and Queens Way Bridge and Magnolia Avenue on the west.
- D. "Permit" is the written permission to use a recreational vehicle site or parking space within the Shoreline Park recreational vehicle area.
- E. "Person" means and includes any individual, partnership, corporation, organization, association, federal, State and local governmental entity or political subdivision or agency thereof.
- F. "Recreational vehicle" means and includes camp trailers, campers, trailers, and trailer coaches as defined in Sections 242, 243, 630 and 635 respectively of the California Vehicle Code, and any other vehicle which has been modified, altered or converted to accommodate human habitation or human occupancy.

(Ord. C-5948 § 1 (part), 1983)

16.54.030 - Manager's duties.

The Manager shall supervise, manage and administer the operations of the park and issue all permits for the use and occupancy of recreational vehicle sites and parking spaces therein.

(Ord. C-5948 § 1 (part), 1983)

16.54.040 - Permit required.

No person shall use, park or occupy any recreational vehicle site or parking space within the park without first having obtained a permit from the Manager and paying the prescribed fee therefor.

(Ord. C-5948 § 1 (part), 1983)

16.54.050 - Alcoholic beverages.

Notwithstanding the provisions of Section 9.22.010, persons over the age of twenty-one (21) years using, parking at or occupying a recreational vehicle site or parking space within the park under a permit issued by the Manager may transport into the park and drink or consume alcoholic beverages at the assigned recreational vehicle site.

(Ord. C-5948 § 1 (part), 1983)

16.54.060 - Rules and regulations.

The City Council may adopt, repeal, amend and modify regulations establishing the rates, fees and charges imposed by this Chapter and regulating the activities and operations within the park. Upon adoption, repeal, amendment or modification of the regulations by the City Council, the regulations shall be filed in the office of the City Clerk and posted in a conspicuous place or places within the park. Any person who violates any provision of this Chapter or any regulation adopted pursuant to this Section shall be subject to the penalties provided for in Section 1.32.010. As to any person who is a permittee under the provisions of this Chapter, any violation of any such regulation, in addition to the penalties applicable to persons generally, shall be cause for revocation and cancellation of the person's permit.

(Ord. C-5948 § 1 (part), 1983)

CHAPTER 16.55 - ADVERTISING ON PUBLIC PROPERTY AND FACILITIES

16.55.010 - Definitions.

The words and phrases defined in this Section, wherever used in this Chapter, shall have the meanings indicated unless the context requires a different meaning:

- A. "Advertise", and any of its variants, and "advertising display" mean the depiction or presentation on a sign, personal property, bench, fixed device or structure of any name, word, statement, message, drawing, picture, painting, mark, motto, symbol or figure for the purpose of calling attention to a business, trade, organization or activity and/or inducing directly or indirectly, the purchase or use of any specific item of commerce or trade.
- B. "Donor recognition program" and any of its variants means contributions of money, equipment, facilities, materials or other goods or services or other consideration in exchange for public recognition in a form and manner determined by the City.
- C. "City's advertising policy" means that certain policy on City sponsorship, corporate recognition and advertising, adopted on July 23, 1996, as amended from time to time.

(Ord. C-7429 § 1, 1996)

16.55.020 - Advertising/recognition agreements.

- A. The City may enter into contracts, permits, licenses and agreements with private individuals or organizations to provide advertising space or donor recognition on City-owned real and personal property as may be designated in the City's advertising policy, in exchange for cash, equipment, supplies, services or other valuable consideration.
- B. Any contract, permit, license or agreement entered into pursuant to this Chapter shall be in conformity with, and subject to, any limitation imposed by the laws and regulations of the State of California including, but not limited to, the California Environmental Quality Act ("CEQA"), the California Vehicle Code, the City's General Plan, the California Outdoor Advertising Act, applicable zoning laws and regulations and the City's advertising policy.
- C. The type, location, size, content and duration of any advertising, advertising display, or donor recognition shall be subject to approval by the City to the extent permitted by law and shall be specified in the contract, permit, license or agreement.
- D. Except as permitted herein, no advertising, advertising display or donor recognition shall be permitted on public property or public facilities.

(Ord. C-7429 § 1, 1996)

16.55.030 - Restrictions.

- A. No advertising, advertising display or donor recognition shall contain any reference to or depiction of any of the following:
 - 1. The "specified anatomical areas" or "specified sexual activities" as defined in Section 21.15.110
 - 2. Any obscene act, gesture or word;
 - 3. Any sale or use of alcohol or tobacco products; and

- 4. Any sale or use of illegal drugs or paraphernalia.
- B. No contract, permit, license or agreement, may permit the logo or seal of the City of Long Beach or any of its departments to be reproduced or distributed in any manner which in any way impersonates a City official, safety officer or employee.
- C. No advertising, advertising display or donor recognition shall be permitted on uniforms worn by safety officers, Park Rangers or City security officers.
- D. No contract, permit, license or agreement shall permit an advertisement or advertising display to give the appearance or impression that any commercial product or service is endorsed or recommended by the City or any of its agencies, departments, officers or employees.
- E. No advertisement, advertising display, or donor recognition shall display the word "stop", "drive", "danger", or any other word, phrase, symbol, lighting or any devices or any components thereof, or character likely to interfere with or mislead pedestrian or vehicular traffic.

(Ord. C-7429 § 1, 1996)

CHAPTER 16.58 - LABOR PEACE AGREEMENTS FOR THE AIRPORT AND THE LONG BEACH CONVENTION CENTER

16.58.010 - Purpose and intent.

- A. The City of Long Beach has a financial and proprietary interest in operations that have food and beverage concessions at the Long Beach Airport and the Long Beach Convention Center, since these operations base their concession payments to the City in part on the revenue they generate. Therefore, it is essential that these operations conduct business efficiently and without interruption or boycotts. The City has found that the efficient and uninterrupted operation of concession operations at the Airport and the Convention Center may be threatened by labor disputes. The City's investment in these operations must be shielded from any impact that labor disputes may have on the revenue of these concession operations. The City has further found that the City can only protect its investment by requiring its concessionaires to sign "labor peace agreements" with the labor organizations that represent or are seeking to represent employees in the concession industry. These agreements will prohibit the labor organizations and their members from engaging in picketing, work stoppages, boycotts or other economic interference with the business of the concession operators, for the duration of their concession agreements with the City.
- B. This Chapter is not intended to conflict with federal or State law. It is the intention of the City Council that this Chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes which those enactments encompass.

(ORD-13-0030, § 1, 2013)

16.58.020 - Definitions.

- A. "City" means the City of Long Beach.
- B. "City Council" means the City Council of the City of Long Beach.
- C. "Concession Contract" means any contract from the City covering Concession Operations at the Long Beach Airport and the Long Beach Convention Center.
- D. "Concession Contract Amendment" means only an amendment that is required to be separately approved by the City Council and that:
 - 1. extends the term of an existing contract for a period of more than one (1) year (the aggregate limit or maximum total of time that a contract may be extended without being deemed a "Concession Contract Amendment" is not to exceed one (1) year); or
 - 2. approves a reduction in any concession payments to the City for the then existing tenant/operator.
- E. "Concession Operations" means the general business operations of food and beverage concessions at the Long Beach Airport and the Long Beach Convention Center, but do not include the provision by an airline of food or beverage to passengers while on board an airplane.
- F. "Concession Workers" means all full-time and part-time employees in a Concession Operation, except supervisors and managers.
- G.

"Concessionaire" means all food and beverage concession contractors together with all tenants, lessees, subtenants, sublessees, subcontractors, successors and assigns of such contractors that provide such concession services at the Long Beach Airport and the Long Beach Convention Center where concession payments to the City depend in any part on the volume of revenue from such services.

- H. "Labor Organization" means an organization of any kind, or an agency or employer representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- I. "No-Strike Pledge" means a provision in a labor peace agreement prohibiting the Labor Organization and its members from engaging in picketing, work stoppages, boycotts or any other economic interference with the business of Concessionaire at the Long Beach Airport and the Long Beach Convention Center for the duration of the Concession Contract term.

(ORD-13-0030, § 1, 2013)

16.58.030 - No-Strike Pledge requirement for Concession Operations.

Prior to the execution of any new Concession Contract or Concession Contract Amendment with a Concessionaire, and as a condition precedent to such execution by the City, the Concessionaire shall have: (i) signed a labor peace agreement with each Labor Organization seeking to represent Concession Workers at the premises covered by the Concession Contract, and (ii) submitted to the City a copy of such labor peace agreement, executed by all of the parties. Each labor peace agreement must contain a No-Strike Pledge.

(ORD-13-0030, § 1, 2013)

16.58.040 - Posting requirements.

Each Concessionaire shall cause the No-Strike Pledge requirement under this Chapter to be posted at its place of business in the Airport or Long Beach Convention Center, so as to be conspicuous to the general public and to patrons entering or using such facilities.

(ORD-13-0030, § 1, 2013)

16.58.050 - Limitations.

- A. Nothing in this Chapter requires a Concessionaire already be unionized at the time it seeks a contract with the City, nor requires a Concessionaire recognize a particular Labor Organization, nor mandates employees choose to unionize.
- B. Nothing in this Chapter requires a Concessionaire make any particular promise in order to secure a labor peace agreement: that is left by the City up to the contracting parties to negotiate.
- C. This Chapter is not intended to, and shall not be interpreted to, enact or express any generally applicable policy regarding labor-management relations or to regulate those relations in any way.
- D. This Chapter is not intended to favor any particular outcome in the determination of employee preference regarding union representation.
- E. Nothing in this Chapter permits or requires the City or any Concessionaire to enter into any agreement in violation of the National Labor Relations Act of 1935, approved July 5, 1935 (49 Stat. 449; 29 U.S.C.S. § 151 et seq.).

(ORD-13-0030, § 1, 2013)

16.58.060 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-13-0030, § 1, 2013)

CHAPTER 16.59 - WORKER RETENTION AT THE AIRPORT AND THE LONG BEACH CONVENTION CENTER

16.59.010 - Findings and purpose.

- A. The City Council finds that the prospect of massive displacement of the large existing workforces at food and beverage concessions at the Long Beach Airport and Long Beach Convention Center would likely cause severe injury to the City's economy and impose significant burdens upon society such as welfare and public health expenses and security risks at such facilities. The City Council finds this policy is the only realistic means of preventing such displacement.
- B. The City Council finds that the regulation of worker retention at food and beverage concessions should proceed initially only at the Airport and Convention Center due to factors unique to the businesses at such facilities, including their superior location and ability to pay thanks to large City investments and City policies limiting access to such facilities for competitors, the competency of their existing workforces (including their security clearances and demonstrated record in preserving Airport security), the greater likelihood of mass displacement at these workplaces compared to most others within the City (especially given the large number of persons capable of taking these jobs), and the negative impact on City revenues should new employers refuse to rehire existing workers and thereby spur boycott activities by displaced workers and their organizations.
- C. The City Council wishes to fully assess economic and social impacts of regulating these businesses initially before including any other businesses, and thus to proceed in a fully-informed incremental manner.
- D. The purpose of establishing worker retention requirements at the Airport and Convention Center is to decrease worker turnover and instability in the workplace. The consequential benefits of such measures are the improvement of the quality of service to the City, the traveling public, and other users of the Airport and Convention Center.
- E. This Chapter is not intended to conflict with federal or State law. It is the intention of the City Council that this Chapter be interpreted to be compatible with federal and State enactments and in furtherance of the public purposes which those enactments encompass.

(ORD-13-0031, § 1, 2013)

16.59.020 - Definitions.

- A. "City" means the City of Long Beach.
- B. "City Council" means the City Council of the City of Long Beach.
- C. "Concession Contract" means any contract from the City covering Concession Operations at the Long Beach Airport or the Long Beach Convention Center.
- D. "Concession Operations" means the general business operations of food and beverage concessions at the Long Beach Airport and the Long Beach Convention Center, but do not include the provision by an airline of food or beverage to passengers while on board an airplane.
- E. "Concessionaire" means all food and beverage concessions contractors together with all tenants, lessees, subtenants, sublessees, subcontractors, successors and assigns of such contractors that provide such concession services at the Long Beach Airport or the Long Beach Convention Center.
- F.

"Predecessor Employer" means the Concessionaire at the Long Beach Airport or Long Beach Convention Center that employed Retention Workers to provide substantially similar services for a Concession Operation immediately prior to the Successor Employer.

- G. "Retention Workers" means all full-time and part-time employees in a Concession Operation, except supervisors and managers.
- H. "Successor Employer" means the new Concessionaire at the Long Beach Airport or Long Beach Convention Center business that succeeds the Predecessor Employer in the provision of substantially similar Concession Operations.

(ORD-13-0031, § 1, 2013)

16.59.030 - Worker retention.

- A. A Successor Employer shall fill its Concession Operations positions at the Long Beach Airport and the Long Beach Convention Center by first hiring from the workforce which has been or is being displaced by the departure or reduction in force of a Predecessor Employer at such location, and shall retain and not discharge a Retention Worker without cause during the initial ninety (90) work day period of his or her employment. Just cause for discharge shall not include the reason being a Retention Worker receiving superior wages or benefits in their prior positions.
- B. In the event that the Successor Employer does not have enough positions available for all Retention Workers, the Successor Employer shall hire the Retention Workers who are eligible for retention by seniority within each employment classification. For any positions that become available during the initial one (1) calendar year period of the new Concession Contract, the Successor Employer will hire Retention Workers by seniority within each employment classification.
- C. A Successor Employer shall offer continued employment to each Retention Worker who receives a satisfactory performance evaluation at the end of the initial ninety (90) work day period of employment under terms and conditions established by the Successor Employer for all its employees.

(ORD-13-0031, § 1, 2013)

16.59.040 - Posting and recordkeeping requirement.

- A. Each Concessionaire shall cause the Worker Retention requirements under this Chapter to be posted at its place of business in the Airport or Long Beach Convention Center, so as to be conspicuous to the general public, to patrons entering or using such facilities, and to the Retention Workers employed at such facilities.
- B. Each Successor Employer shall maintain records for three (3) years showing the reasons for not hiring or for discharging Retention Workers during the initial ninety (90) work day period. The City Manager and each Retention Worker and their designees are authorized to review these records upon reasonable request to ascertain compliance with this Chapter.

(ORD-13-0031, § 1, 2013)

16.59.050 - Waiver.

The provisions of this Chapter may not be waived by agreement between an individual Retention Worker and Predecessor or Successor Employer. All of the provisions of this Chapter, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Chapter.

(ORD-13-0031, § 1, 2013)

16.59.060 - Retaliation.

No person shall discharge, reduce any part of the compensation of, nor discriminate against any Retention Worker due to the enactment of this Chapter or due to his or her assertion of any rights under this Chapter.

(ORD-13-0031, § 1, 2013)

16.59.070 - Enforcement.

- A. The City Manager or his/her designee is invested with the discretionary authority to issue additional rules and regulations interpreting this Chapter and/or establishing complaint procedures related to enforcement of this Chapter. Notwithstanding the foregoing, the City shall be under no duty to monitor compliance with this Chapter; however, the City may consider compliance with this Chapter in making contracting decisions.
- B. Any violation of this Chapter may be subject to injunctive relief and any other relief or remedy available at law or equity.

(ORD-13-0031, § 1, 2013)

16.59.080 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-13-0031, § 1, 2013)

CHAPTER 16.60 - PAYMENT OF LIVING WAGE TO WORKERS AT THE AIRPORT AND THE LONG BEACH CONVENTION CENTER

16.60.010 - Purpose.

The purpose of this Chapter is to protect the public health, safety and welfare by requiring that public funds be expended in such a manner as to facilitate individual self-reliance by employees of food, beverage and retail concessionaires at the Long Beach Airport and the Long Beach Convention Center.

(ORD-14-0002, § 1, 2014)

16.60.020 - Definitions.

- A. "City" means the City of Long Beach.
- B. "Compensation" includes any wages, tips, bonuses, and other payments reported as taxable income paid by a Concessionaire to a Concession Worker.
- C. "Concession Contract" means any contract from the City covering Concession Operations at the Long Beach Airport and the Long Beach Convention Center.
- D. "Concession Contract Amendment" means only an amendment that is required to be separately approved by the City Council and that:
 - 1. extends the term of an existing contract for a period of more than one (1) year (the aggregate limit or maximum total of time that a contract may be extended without being deemed a "Concession Contract Amendment" is not to exceed one (1) year); or
 - 2. approves a reduction in any concession payments to the City for the then existing tenant/operator.
- E. "Concession Operations" means the general business operations of food and beverage or retail concessions at the Long Beach Airport and the Long Beach Convention Center, but do not include the provision by an airline of food or beverage to passengers while on board an airplane.
- F. "Concession Workers" means all full-time and part-time employees in a Concession Operation.
- G. "Concessionaire" means all food and beverage or retail concessions contractors together with all tenants, lessees, subtenants, sublessees, subcontractors, successors and assigns of such contractors that provide such concession services at the Long Beach Airport or the Long Beach Convention Center.
- H. "Service charge" means all separately-designated amounts, regardless of name or label, that are added to the base charge for food or beverages, and collected by a Concessionaire from customers, except taxes and fees levied by federal, State or local government.

(ORD-14-0002, § 1, 2014)

16.60.030 - Concessionaires subject to the requirements of this Chapter.

Concessionaires at the Long Beach Airport and the Long Beach Convention Center that enter into any new Concession Contract or Concession Contract Amendment with the City shall comply with the minimum compensation standards established by this Chapter.

(ORD-14-0002, § 1, 2014)

16.60.040 - Payment of minimum compensation.

- A. Each Concessionaire subject to this Chapter pursuant to Section 16.60.030 shall pay Concession Workers a wage of not less than the hourly rates set forth in this Section. The rate upon enactment shall be thirteen dollars and twenty-six cents (\$13.26) per hour worked. This rate shall be adjusted by the amount of increases in the federal minimum wage over the amount in effect on December 31, 2013, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2013 of the Consumer Price Index (All Urban Consumers, Los Angeles-Riverside-Orange County) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. If in any calendar year there is no increase in the federal minimum wage and the increase in the Consumer Price Index is less than two percent (2%), then the rate shall be adjusted by an increase of two percent (2%). The Mayor or the City agency designated by the Mayor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all Concessionaires and to any other person who has filed with the Mayor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this Section. A Concessionaire shall provide written notification of the rate adjustments to each of its Concession Workers and make the necessary payroll adjustments by July 1 following the publication of the bulletin. Tips or gratuities received by Concession Workers and service charges or commissions shall not be credited as being any part of or offset against the wage rates required by this Section.
- B. Service charges shall not be retained by a Concessionaire but shall be paid in the entirety by the Concessionaire to the Concession Worker(s) performing services for the customers from whom the service charges are collected. No part of these amounts may be paid to supervisory or managerial employees. The amounts shall be paid to the Concession Worker(s) equitably and according to the services that are or appear to be related to the description of the amounts given by the Concessionaire to the customers. The amounts shall be paid to the Concession Worker(s) in the next payroll following collection of an amount from the customer. The foregoing provisions do not apply to any tip, gratuity, money, or part of any tip, gratuity, or money that has been paid or given to or left for a Concession Worker by customers over and above the actual amount due for services rendered or for food or beverage sold or served to the customer.

(ORD-14-0002, § 1, 2014)

16.60.050 - Required contract provisions.

Every contract with a Concessionaire subject to this Chapter pursuant to Section 16.60.030 shall contain provisions requiring it to comply with the provisions of this Chapter as they exist on the date when the Concessionaire entered the contract with the City or when such contract is amended.

(ORD-14-0002, § 1, 2014)

16.60.060 - Posting requirements.

Each Concessionaire shall cause the living wage requirement under this Chapter to be posted at its place of business in the Airport or Long Beach Convention Center, so as to be conspicuous to the general public, to patrons entering or using such facilities, and to the Concession Workers employed at such facilities.

(ORD-14-0002, § 1, 2014)

16.60.070 - Waiver.

The provisions of this Chapter may not be waived by agreement between an individual Concession Worker and a Concessionaire. All of the provisions of this Chapter, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this Chapter.

(ORD-14-0002, § 1, 2014)

16.60.080 - Retaliation.

No person shall discharge, reduce any part of the compensation of, nor discriminate against any Concession Worker due to the enactment of this Chapter or due to his or her assertion of any rights under this Chapter.

(ORD-14-0002, § 1, 2014)

16.60.090 - Enforcement.

A Concession Worker claiming violation of this Chapter may bring an individual or class action against his or her employer in Superior Court to enforce the provisions of this Chapter and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this Chapter, including but not limited to lost compensation, damages, reinstatement or injunctive relief. A Concession Worker who prevails in any action to enforce this Chapter shall be awarded his or her reasonable attorney's fees and litigation expenses. Nothing herein shall be construed to preclude the City or others from obtaining the usual remedies for violations of contract, ordinance or anti-retaliation laws. Notwithstanding the foregoing, the City shall be under no duty to monitor compliance with this Chapter; however, the City may consider compliance with this Chapter in making contracting decisions.

(ORD-14-0002, § 1, 2014)

16.60.100 - Severability.

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this Chapter that can be given effect without the invalid provision or application; and to this end, the provisions or applications of this Chapter are severable.

(ORD-14-0002, § 1, 2014)